STATUTES OF CALIFORNIA

REGULAR SESSION
1968

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Passed at the 1968 Regular Session of the Legislature

CHAPTER 1

An act to amend Section 30000 of the Elections Code, relating to congressional districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 7, 1968. Filed with Secretary of State February 7, 1968.]

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

SECTION 1. The sole purpose of this act is to correct errors in the descriptions of the districts given in Chapter 2 of the Statutes of the 1967 Second Extraordinary Session. This act does not modify the population deviations of the districts of that chapter nor shift any population from districts described in that chapter.

SEC. 2. Section 30000 of the Elections Code is amended to read:

30000. The state is divided into 38 congressional districts, which shall be designated and constituted as follows:

1. The Counties of Del Norte, Humboldt, Mendocino, Napa and Sonoma, together with all that portion of the County of Marin lying north and west of the following described line;

Commencing with the intersection of the southerly boundary line of the Marin County Fifth Supervisorial District, as it existed on October 30, 1967, with the Contra Costa County boundary line, thence generally westerly and then southerly along said southerly boundary line to its intersection with the northerly boundary line of the Marin County Fourth Supervisorial District, as it existed on said date; thence generally westerly along said northerly boundary line to its intersection with the northwesterly boundary line of the Marin Municipal Water District; thence westerly and southerly along said northwesterly boundary line to the intersection of the northeasterly and northwesterly boundary lines of the Bolinas-Stinson Union School District; thence southeasterly along said northeasterly boundary line to its intersection with the southwesterly boundary line of the Marin County Third Supervisorial District as it existed on the above date; thence southerly and southeasterly along said Third Supervisorial District boundary line to its intersection with the Mill Valley School District boundary line; thence southwesterly along said school

district line to its termination in the Pacific Ocean, shall constitute the First Congressional District.

2. The Counties of Alpine, Amador, Butte, Calaveras, El Dorado, Inyo, Lassen, Madera, Mariposa, Modoc, Mono, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Trinity, Tehama and Tuolumne shall constitute the Second Congressional District.

3. All that portion of the County of Sacramento bounded and described as follows:

Beginning at the intersection of the southerly boundary of the City of Sacramento where it intersects with the boundary common to the Counties of Sacramento and Yolo located in the Sacramento River; thence easterly and southerly along the southerly boundary of the City of Sacramento as it existed on January 1, 1967, to its intersection with the center line of Franklin Boulevard; thence southerly along the center line of Franklin Boulevard to its intersection with the center line of Sheldon Road; thence easterly along the center line of Sheldon Road to its intersection with the center line of State Highway 99; thence northwesterly along the center line of State Highway 99 to its intersection with the center line of Stockton Boulevard near Rangeview Road; thence northerly along the center line of Stockton Boulevard to its intersection with the southerly boundary of the City of Sacramento as it existed January 1, 1967, near Patterson Way; thence easterly and generally northerly along the boundary of the City of Sacramento to the center of the American River; thence easterly along the center of the American River to the northerly prolongation of the center line of Bradshaw Road; thence southerly along the northerly prolongation of the center line and the center line of Bradshaw Road to the center line of Old Placerville Road; thence northeasterly along the center line of Old Placerville Road to its intersection with the northerly prolongation of the west boundary of Mather Air Force Base east of Routier Road; thence generally easterly along the northerly boundary of Mather Air Force Base and its easterly prolongation to the center line of Fitzgerald Road; thence northerly along the center line of Fitzgerald Road to the center line of Sunrise Boulevard; thence northerly along the center line of Sunrise Boulevard to the center line of Madison Avenue; thence westerly along the center line of Madison Avenue to the center line of Dewey Drive; thence northerly along the center line of Dewey Drive to the center line of Greenback Lane; thence westerly along the center line of Greenback Lane to the center line of Auburn Boulevard; thence northeasterly along the center line of Auburn Boulevard to the center line of Van Maren Lane; thence northerly along the center line and the northerly prolongation of the center line of Van Maren Lane to the center line of State Route 80 (Roseville Freeway); thence northeasterly along the center line of State Route 80 (Roseville Freeway) to the boundary common to the Counties of Sacramento and Placer; thence westerly

along the boundary common to the Counties of Sacramento and Placer and continuing westerly along the boundary common to the Counties of Sacramento and Sutter to the center of the right of way of the Western Pacific Railroad; thence southerly along the center of the right of way of the Western Pacific Railroad to the center of the American River; thence westerly along the center of the American River to the boundary common to the Counties of Sacramento and Yolo in the center of the Sacramento River; thence southerly along the boundary common to the Counties of Sacramento and Yolo to the point of beginning shall constitute the Third Congressional District.

4. The Counties of Colusa, Glenn, Lake, Solano, Sutter, Yolo, Yuba and the following described territory of the County of Sacramento:

Beginning at the intersection of the southerly boundary of the City of Sacramento where it intersects with the boundary common to the Counties of Sacramento and Yolo located in the Sacramento River; thence easterly and southerly along the southerly boundary of the City of Sacramento as it existed on January 1, 1967, to its intersection with the center line of Franklin Boulevard; thence southerly along the center line of Franklin Boulevard to its intersection with the center line of Sheldon Road; thence easterly along the center line of Sheldon Road to its intersection with the center line of State Highway 99; thence northwesterly along the center line of State Highway 99 to its intersection with the center line of Stockton Boulevard near Rangeview Road; thence northerly along the center line of Stockton Boulevard to its intersection with the southerly boundary of the City of Sacramento as it existed January 1, 1967, near Patterson Way; thence easterly and generally northerly along the boundary of the City of Sacramento to the center of the American River; thence easterly along the center of the American River to the northerly prolongation of the center line of Bradshaw Road; thence southerly along the northerly prolongation of the center line and the center line of Bradshaw Road to the center line of Old Placerville Road; thence northeasterly along the center line of Old Placerville Road to its intersection with the northerly prolongation of the west boundary of Mather Air Force Base east of Routier Road; thence generally easterly along the northerly boundary of Mather Air Force Base and its easterly prolongation to the center line of Fitzgerald Road; thence northerly along the center line of Fitzgerald Road to the center line of Sunrise Boulevard; thence northerly along the center line of Sunrise Boulevard to the center line of Madison Avenue; thence westerly along the center line of Madison Avenue to the center line of Dewey Drive; thence northerly along the center line of Dewey Drive to the center line of Greenback Lane; thence westerly along the center line of Greenback Lane to the center line of Auburn Boulevard; thence northeasterly along the center line of Auburn

Boulevard to the center line of Van Maren Lane; thence northerly along the center line and the northerly prolongation of the center line of Van Maren Lane to the center line of State Route 80 (Roseville Freeway); thence northeasterly along the center line of State Route 80 (Roseville Freeway) to the boundary common to the Counties of Sacramento and Placer; thence easterly along the boundary common to the Counties of Sacramento and Placer to its intersection with the boundary common to the Counties of Sacramento and El Dorado; thence easterly and southeasterly along the boundary common to the Counties of Sacramento and El Dorado and continuing southerly along the boundary common to the Counties of Sacramento and Amador to its intersection with the boundary common to the Counties of Sacramento and San Joaquin; thence generally southwesterly along the boundary common to the Counties of Sacramento and San Joaquin and continuing southwesterly along the boundary common to the Counties of Sacramento and Contra Costa to its intersection with the boundary common to the Counties of Sacramento and Solano; thence northeasterly along the boundary common to the Counties of Sacramento and Solano and continuing northeasterly along the boundary common to the Counties of Sacramento and Yolo to the point of beginning.

All that portion of Sacramento County bounded and described as follows:

Beginning at the intersection of the center of the Western Pacific Railroad right of way with the boundary common to the Counties of Sacramento and Sutter; thence southerly along the center of the right of way of the Western Pacific Railroad to the center of the American River; thence westerly along the center of the American River to the boundary common to the Counties of Sacramento and Yolo in the center of the Sacramento River; thence northerly along the boundary common to the Counties of Sacramento and Yolo to the boundary common to the Counties of Sacramento and Sutter (in the center of the Sacramento River); thence easterly along the boundary common to the Counties of Sacramento and Sutter to the point of beginning shall constitute the Fourth Congressional District.

5. All that portion of the County of San Francisco bounded and described as follows:

Beginning at Cavallo Point on the boundary common to the counties of San Francisco and Marin, southeast of Sausalito; thence southeasterly along a direct line to the intersection with the northerly prolongation of the center line of Leavenworth Street south of Fisherman's Wharf in San Francisco Bay; thence southerly along the northerly prolongation and the center line of Leavenworth Street to the center line of Green Street; thence westerly along the center line of Green Street to the center line of Van Ness Avenue; thence southerly along the center line of Van Ness Avenue to the center line of Clay Street; thence westerly along the center line of Clay Street

and the westerly prolongation of Clay Street to the center line of Presidio Avenue; thence southerly along the center line of Presidio Avenue to the center line of Masonic Avenue; thence southwesterly and southerly along the center line of Masonic Avenue to the center line of Fulton Street; thence westerly along the center line of Fulton Street to the center line of 7th Avenue; thence southerly along a direct line to the intersection of the center line of 7th Avenue with Lincoln Way; thence southerly along the center line of 7th Avenue and Laguna Honda Boulevard to the center line of Woodside Avenue; thence easterly along the center line of Woodside Avenue to the center line of Portola Drive; thence northeasterly along the center line of Portola Drive to the center line of Clipper Street; thence generally easterly along the center line of Clipper Street to the center line of Douglass Street; thence southerly along the center line of Douglass Street to the center line of Army Street; thence easterly along the center line of Army Street and its continuations to the center line of Noe Street; thence southerly along the center line of Noe Street to the center line of 30th Street; thence easterly along the center line of 30th Street to the center line of Mission Street; thence generally southwesterly along the center line of Mission Street to the southerly boundary of the County of San Francisco; thence easterly, northwesterly, southerly and southwesterly (passing southerly of Angel Island) along the boundary of the County of San Francisco to the point of beginning, shall constitute the Fifth Congressional District.

6. All the following described territory:

a. All that portion of the County of San Francisco bounded and described as follows:

Beginning at Cavallo Point on the boundary common to the counties of San Francisco and Marin, southeast of Sausalito; thence southeasterly along a direct line to the intersection with the northerly prolongation of the center line of Leavenworth Street south of Fisherman's Wharf in San Francisco Bay; thence southerly along the northerly prolongation and the center line of Leavenworth Street to the center line of Green Street; thence westerly along the center line of Green Street to the center line of Van Ness Avenue; thence southerly along the center line of Van Ness Avenue to the center line of Clay Street; thence westerly along the center line of Clay Street and the prolongation of the center line of Clay Street to the center line of Presidio Avenue; thence southerly along the center line of Presidio Avenue to the center line of Masonic Avenue; thence southwesterly and southerly along the center line of Masonic Avenue to the center line of Fulton Street; thence westerly along the center line of Fulton Street to the center line of 7th Avenue; thence southerly along a direct line to the intersection of the center line of 7th Avenue with Lincoln Way; thence southerly along the center line of 7th Avenue and Laguna Honda Boulevard to the center line of Woodside Avenue; thence easterly along the center line of

Woodside Avenue to the center line of Portola Drive; thence northeasterly along the center line of Portola Drive to the center line of Clipper Street; thence generally easterly along the center line of Clipper Street to the center line of Douglass Street; thence southerly along the center line of Douglass Street to the center line of Army Street; thence easterly along the center line of Army Street and its continuations to the center line of Noe Street; thence southerly along the center line of Noe Street to the center line of 30th Street; thence easterly along the center line of 30th Street to the center line of Mission Street; thence generally southwesterly along the center line of Mission Street to the southerly boundary of the County of San Francisco; thence westerly, northerly and easterly along the boundary of the County of San Francisco to the point of beginning, and including the islands in the Pacific Ocean which are within the territorial boundaries of the County of San Francisco.

(b) All that portion of the County of Marin lying south and east of the following described line:

Commencing with the intersection of the southerly boundary line of the Marin County Fifth Supervisorial District, as it existed on October 30, 1967, with the Contra Costa County boundary line; thence generally westerly and then southerly along said southerly boundary line to its intersection with the northerly boundary line of the Marin County Fourth Supervisorial District, as it existed on said date; thence generally westerly along said northerly boundary line to its intersection with the northwesterly boundary line of the Marin Municipal Water District; thence westerly and southerly along said northwesterly boundary line to the intersection of the northeasterly and northwesterly boundary lines of the Bolinas-Stinson Union School District; thence southeasterly along said northeasterly boundary line to its intersection with the southwesterly boundary line of the Marin County Third Supervisorial District as it existed on the above date; thence southerly and southeasterly along said Third Supervisorial District boundary line to its intersection with the Mill Valley School District boundary line; thence "southwesterly" along said school district line to its termination in the Pacific Ocean; shall constitute the Sixth Congressional District.

7. All that portion of the County of Alameda bounded and described as follows:

Beginning at the most westerly corner of Alameda County in San Francisco Bay; thence northeasterly and southeasterly along the boundary common to the Counties of Alameda and Contra Costa to an angle point common with the city boundary of Oakland adjacent to Redwood Peak; thence generally southerly along the easterly boundary of the City of Oakland as it existed on July 1, 1967, to its intersection with the center line of Skyline Boulevard near the easterly terminus of Joaquin Miller Road; thence southwesterly along the center line of Skyline Boulevard to its intersection with the center

line of Joaquin Miller Road near the most westerly corner of fractional Sec. 34, T. 1 S., R. 3 W., M. D. B. & M.; thence generally northwesterly along the center line of Joaquin Miller Road to its intersection with the center line of Lincoln Avenue; thence generally southwesterly along the center line of Lincoln Avenue to the center line of MacArthur Boulevard; thence generally southeasterly along the center line of MacArthur Boulevard to the center line of Seminary Avenue; thence southwesterly along the center line of Seminary Avenue to the center line of East 14th Street; thence northwesterly along the center line of East 14th Street to the center line of 23rd Avenue; thence southerly along the center line of 23rd Avenue to the center line of 29th Avenue; thence southwesterly along the center line of 29th Avenue to the boundary common to the Cities of Oakland and Alameda (located in the Tidal Canal); thence northwesterly along the boundary common to the Cities of Oakland and Alameda to its intersection with the boundary common to the Counties of Alameda and San Francisco; thence northwesterly along the boundary common to the Counties of Alameda and San Francisco to the point of beginning, shall constitute the Seventh Congressional District.

8. All that portion of the County of Alameda bounded and described as follows:

Beginning at the intersection of the boundary common to the Cities of Oakland and Alameda with its intersection of the boundary common to the Counties of Alameda and San Francisco in San Francisco Bay; thence southeasterly along the boundary common to the Cities of Oakland and Alameda (situated within Tidal Canal) to its intersection with the center line of 29th Avenue; thence northeasterly along the center line of 29th Avenue to the center line of 23rd Avenue; thence northerly along the center line of 23rd Avenue to the center line of East 14th Street; thence southeasterly along the center line of East 14th Street to the center line of Seminary Avenue; thence northeasterly along the center line of Seminary Avenue to the center line of MacArthur Boulevard; thence generally northwesterly along the center line of MacArthur Boulevard to the center line of Lincoln Avenue; thence northeasterly along the center line of Lincoln Avenue to its intersection with the center line of Joaquin Miller Road; thence generally southeasterly along the center line of Joaquin Miller Road to its intersection with the center line of Skyline Boulevard; thence northeasterly along the center line of Skyline Boulevard to its intersection with the easterly boundary of the City of Oakland as it existed on July 1, 1967 near the most westerly corner of fractional Section 34, T. 1 S., R. 3 W., M. D. B. & M.; thence generally northerly along the easterly boundary of the City of Oakland to an angle point common to the boundary of Alameda and Contra Costa Counties adjacent to Redwood Peak; thence generally southeasterly and easterly along the boundary common to the Counties of Alameda and Contra Costa to the boundary common to the Coun-

ties of Alameda and San Joaquin; thence southerly and southeasterly along the boundary common to the Counties of Alameda and San Joaquin to its intersection with the boundary common to the Counties of Alameda and Santa Clara; thence westerly along the boundary common to the Counties of Alameda and Santa Clara to its intersection with the center of Calaveras Reservoir; thence northeasterly along the center of Calaveras Reservoir and continuing generally northerly along the center of Calaveras Creek to its confluence with Alameda Creek; thence generally northwesterly along the center of Alameda Creek to the east line of Section 18, T. 4 S., R. 1 E., M. D. B. & M.; thence northerly along the east line of Sections 18 and 7, T. 4 S., R. 1 E., M. D. B. & M. to its intersection with Sunol Ridge Trail; thence northwesterly along Sunol Ridge Trail to its junction with the center line of Cowing Road; thence continuing northwesterly along the center line of Cowing Road to the center line of Palo Verde Road in Dublin Canyon; thence generally westerly along the center line of Palo Verde Road to the center of San Lorenzo Creek, near Palomares School; thence generally westerly along the center of San Lorenzo Creek to its intersection with the P. G. and E. Power Line just westerly of old Dublin Road Undercrossing of State Route 580; thence generally southerly along the P. G. and E. Power Line to its intersection with the center line of Fairview Avenue; thence generally southeasterly along the center line of Fairview Avenue to the center line of Hayward Boulevard; thence generally westerly along the center line of Hayward Boulevard to the center line of Civic Avenue; then southerly along the center line of Civic Avenue to the southeasterly prolongation of the South Branch of Ward Creek at New Dobbel Avenue; thence northwesterly along the center of South Branch of Ward Creek to the center line of Mission Boulevard; thence northwesterly along the center line of Mission Boulevard to the center line of Jackson Street; thence southwesterly along the center line of Jackson Street to the center line of the Southern Pacific Railroad; thence northwesterly along the center line of the Southern Pacific Railroad to the center line of A Street; thence westerly along the center line of A Street to the center line of the Nimitz Freeway (State Route 17); thence southeasterly along the center line of the Nimitz Freeway (State Route 17) to the center line of Winton Avenue; thence southwesterly along the center line of Winton Avenue to the center line of Hesperian Boulevard; thence northwesterly along the center line of Hesperian Boulevard to its intersection with the north boundary of the City of Hayward as it existed on January 1, 1967; thence generally westerly along the boundary of the City of Hayward to its intersection with the boundary common to the Counties of Alameda and San Mateo; thence northwesterly along the boundary common to the Counties of Alameda and San Mateo and continuing northwesterly along the boundary common to the Counties of Alameda and San Francisco to the

point of beginning, shall constitute the Eighth Congressional District.

9 All the following described territory:

(a) All that portion of Alameda County lying westerly and southerly of the following described line:

Beginning at the intersection of the center of Calaveras Creek with the boundary common to the Counties of Alameda and Santa Clara in the center of Calaveras Reservoir; thence northeasterly along the center of Calaveras Reservoir and continuing generally northerly along the center of Calaveras Creek to its confluence with Alameda Creek; thence generally northwesterly along the center of Alameda Creek to the east line of Sec. 18, T. 4 S., R. 1 E., M. D. B. & M.; thence northerly along the east line of Secs. 18 and 7, T. 4 S., R. 1 E., M. D. B. & M to its intersection with Sunol Ridge Trail; thence northwesterly along Sunol Ridge Trail to its junction with the center line of Cowing Road; thence continuing northwesterly along the center line of Cowing Road to the center line of Palo Verde Road in Dublin Canyon; thence generally westerly along the center line of Palo Verde Road to the center of San Lorenzo Creek near Palomares School; thence generally westerly along the center of San Lorenzo Creek to its intersection with the P. G. & E. Power line just westerly of old Dublin Road Undercrossing of State Route 580; thence generally southerly along the P. G. & E. Power line to its intersection with the center line of Fairview Avenue; thence generally southeasterly along the center line of Fairview Avenue to the center line of Hayward Boulevard; thence generally westerly along the center line of Hayward Boulevard to the center line of Civic Avenue; thence southerly along the center line of Civic Avenue to the southeasterly prolongation of the South Branch of Ward Creek at New Dobbel Avenue; thence northwesterly along the center of South Branch of Ward Creek to the center line of Mission Boulevard; thence northwesterly along the center line of Mission Boulevard to the center line of Jackson Street; thence southwesterly along the center line of Jackson Street to the center line of the Southern Pacific Railroad; thence northwesterly along the center line of the Southern Pacific Railroad to the center line of A Street; thence westerly along the center line of A Street to the center line of the Nimitz Freeway (State Route 17); thence southwesterly along the center line of the Nimitz Freeway (State Route 17) to the center line of Winton Avenue; thence southwesterly along the center line of Winton Avenue to the center line of Hesperian Boulevard; thence northwesterly along the center line of Hesperian Boulevard to its intersection with the north boundary of the City of Hayward as it existed on January 1, 1967; thence generally westerly along the boundary of the City of Hayward to its intersection with the boundary common to the Counties of Alameda and San Mateo.

(b) All that portion of Santa Clara County lying easterly and northerly of the following described line:

Beginning at a point in San Francisco Bay common to the boundary of Santa Clara, Alameda, and San Mateo Counties; thence southwesterly along the boundary common to the counties of San Mateo and Santa Clara to the center line of the Bayshore Freeway (U.S. Highway 101); thence southeasterly along the center line of the Bayshore Freeway (U.S. Highway 101) to the center line of Mountain View-Alviso Road (State Highway 237); thence northeasterly along the center line of Mountain View-Alviso Road to the center line of Coffin Road; thence easterly, northeasterly, and southerly along the center line of Coffin Road to the center line of the Bayshore Freeway; thence northwesterly along the center line of the Bayshore Freeway to the center line of the Laurence Expressway (formerly Laurence Station Road); thence southerly along the center line of the Laurence Expressway to its intersection with the center line of Homestead Road; thence westerly along the center line of Homestead Road to its intersection with the western boundary of the City of Santa Clara, as it existed on January 1, 1967; thence southerly, westerly and southerly along the boundary of the City of Santa Clara, as it existed on January 1, 1967, to its intersection with the center line of Junipero Serra Freeway (Interstate Highway 280); thence southeasterly along the center line of Junipero Serra Freeway to the center line of Stevens Creek Boulevard; thence easterly along the center line of Stevens Creek Boulevard to its intersection with the center line of the Nimitz Freeway (State Highway 17); thence southerly along the center line of Nimitz Freeway (State Highway 17) to its intersection with the center line of Moorpark Avenue; thence easterly along the center line of Moorpark Avenue to its intersection with the center line of Richmond Avenue; thence southerly along the center line of Richmond Avenue to the center line of Fruitdale Avenue; thence westerly along the center line of Fruitdale Avenue to the center line of Porter Drive; thence southerly along the center line of Porter Drive to its intersection with the center line of McKinley Avenue; thence easterly along the center line of McKinley Avenue to its intersection with the center line of the Southern Pacific Railroad; thence northeasterly along the center line of the S P.R.R. to its intersection with the center line of Lincoln Avenue; thence southeasterly along the center line of Lincoln Avenue to the center line of Almaden Road; thence northerly along the center line of Almaden Road to the center of the channel of the Guadalupe River; thence southerly along the center of the channel of the Guadalupe River to its intersection with the center of the channel of Alamitos Creek; thence southeasterly along the center of the channel of Alamitos Creek to the center of Arroyo Calero; thence southeasterly along the center of Arroyo Calero to the center line of McKean Road; thence easterly and southeasterly along the

center line of McKean Road to its intersection with the center line of Uvas Road; thence generally southeasterly along the center line of Uvas Road to its intersection with the center line of Watsonville Road; thence northeasterly along the center line of Watsonville Road to its intersection with the center of Little Llagas Creek near State Highway Route 101; thence easterly along the center of Little Llagas Creek to its intersection with the center line of the Southern Pacific Railroad right-of-way; thence northwesterly along the center line of the Southern Pacific Railroad right-of-way to its intersection with the center line of Maple Avenue; thence northeasterly along the center line of Maple Avenue and the northeasterly prolongation of the center line of Maple Avenue to its intersection with the center of the channel of Coyote Creek situated between Anderson Reservoir and Coyote Reservoir; thence southeasterly along the center of the channel of Coyote Creek, Coyote Lake and Coyote Creek to the northeasterly boundary of Rancho La Polka; thence southeasterly along the northeasterly boundary of Rancho La Polka to its intersection with the center line of Gilroy Hot Springs Road; thence easterly along the center line of Gilroy Hot Springs Road to its intersection with the center line of Canada Road; thence southeasterly along the center line of Canada Road to its intersection with the southerly line of Section 18, T. 10 S., R. 5 E., M. D. B. & M.; thence easterly along the southerly line of Secs. 18, 17, 16, 15, 14 and 13 to the range line, dividing R. 5 E. and R. 6 E., T. 10 S.; thence northerly along the range line dividing R. 6 E. and R. 5 E. to the township line dividing T. 9 S. and T. 10 S.; thence easterly along the township line dividing T. 9 S. and T. 10 S. to its intersection with the eastern boundary of Santa Clara County.

(c) All that portion of San Mateo County bounded and described as follows:

Beginning at a point in San Francisco Bay common to the boundary of Santa Clara, Alameda, and San Mateo Counties; thence generally southwesterly and westerly along the boundary common to the Counties of San Mateo and Santa Clara to its intersection with the southerly prolongation of the center line of Menalto Avenue; thence northerly along the southerly prolongation, the center line, and the northerly prolongation of the center line of Menalto Avenue to its intersection with the center line of Bayshore Freeway (U.S. Highway 101); thence northwesterly along the center line of Bayshore Freeway (U.S. Highway 101) to the easterly boundary of the City of Menlo Park as it existed on January 1, 1967; thence northeasterly along the easterly boundary of the City of Menlo Park as it existed on January 1, 1967 to its intersection with the center line of Willow Road; thence northeasterly along the center line of Willow Road to the boundary common to the counties of San Mateo and Alameda; thence southeasterly along the boundary common to the counties of San Mateo and Alameda to the point of beginning (a point in

San Francisco Bay common to the boundary of Santa Clara, San Mateo and Alameda Counties), shall constitute the Ninth Congressional District.

10. The County of San Benito and all that portion of the County of Santa Clara bounded and described as follows:

Beginning at a point at which the center line of Bayshore Freeway (U.S. Highway 101) intersects the boundary common to San Mateo County and Santa Clara County; thence southeasterly along the center line of the Bayshore Freeway (U.S. Highway 101) to the center line of Mountain View-Alviso Road (State Highway 237); thence northeasterly along the center line of Mountain View-Alviso Road to the center line of Coffin Road; thence easterly, northeasterly, and southerly along the center line of Coffin Road to the center line of the Bayshore Freeway; thence northwesterly along the center line of the Bayshore Freeway to the center line of the Laurence Expressway (formerly Laurence Station Road); thence southerly along the center line of Laurence Expressway to its intersection with the center line of Homestead Road; thence westerly along the center line of Homestead Road to its intersection with the western boundary of the City of Santa Clara, as it existed on January 1, 1967; thence southerly, westerly and southerly along the boundary of the City of Santa Clara, as it existed on January 1, 1967, to its intersection with the center line of Junipero Serra Freeway (Interstate Highway 280); thence southeasterly along the center line of Junipero Serra Freeway to the center line of Stevens Creek Boulevard; thence easterly along the center line of Stevens Creek Boulevard to its intersection with the center line of the Nimitz Freeway (State Highway 17); thence southerly along the center line of the Nimitz Freeway (State Highway 17) to its intersection with the center line of Moorpark Avenue; thence easterly along the center line of Moorpark Avenue to its intersection with the center line of Richmond Avenue; thence southerly along the center line of Richmond Avenue to the center line of Fruitdale Avenue; thence westerly along the center line of Fruitdale Avenue to the center line of Porter Drive; thence southerly along the center line of Porter Drive to its intersection with the center line of McKinley Avenue; thence easterly along the center line of McKinley Avenue to its intersection with the center line of the Southern Pacific Railroad; thence northeasterly along the center line of the S.P.R.R. to its intersection with the center line of Lincoln Avenue; thence southeasterly along the center line of Lincoln Avenue to the center line of Almaden Road; thence northerly along the center line of Almaden Road to the center of the channel of the Guadalupe River; thence southerly along the center of the channel of the Guadalupe River to its intersection with the center of the channel of Alamitos Creek; thence southeasterly along the center of the channel of Alamitos Creek to the center of Arroyo Calero; thence southeasterly along the center of Arroyo Calero to the center line of McKean Road; thence easterly

and southeasterly along the center line of McKean Road to its intersection with the center line of Uvas Road; thence generally southeasterly along the center line of Uvas Road to its intersection with the center line of Watsonville Road; thence northeasterly along the center line of Watsonville Road to its intersection with the center of Little Llagas Creek near State Highway Route 101; thence easterly along the center of Little Llagas Creek to its intersection with the center line of the Southern Pacific Railroad right-of-way; thence northwesterly along the center line of the Southern Pacific Railroad right-of-way to its intersection with the center line of Maple Avenue; thence northeasterly along the center line of Maple Avenue, and its northeasterly prolongation of the center line of Maple Avenue to its intersection with the center of the channel of Coyote Creek situated between Anderson Reservoir and Coyote Reservoir; thence southeasterly along the center of the channel of Coyote Creek, Coyote Lake and Coyote Creek to the northeasterly boundary of Rancho La Polka; thence southeasterly along the northeasterly boundary of Rancho La Polka to its intersection with the center line of Gilroy Hot Springs Road; thence easterly along the center line of Gilroy Hot Springs Road to its intersection with the center line of Canada Road; thence southeasterly along the center line of Canada Road to its intersection with the southerly line of Sec. 18, T. 10 S., R. 5 E., M. D. B. & M.; thence easterly along the southerly line of Sections 18, 17, 16, 15, 14 and 13 to the range line, dividing R. 5 E. and R. 6 E., T. 10 S.; thence northerly along the range line dividing R. 6 E. and R. 5 E. to the township line dividing T. 9 S. and T. 10 S; thence easterly along the township line dividing T. 9 S. and T. 10 S. to its intersection with the eastern boundary of Santa Clara County; thence southerly, westerly, northwesterly and easterly along the boundary of Santa Clara County to the point of beginning, shall constitute the Tenth Congressional District.

11. All that portion of San Mateo County bounded and described as follows:

Beginning at a point in San Francisco Bay common to the boundary of San Mateo, San Francisco and Alameda Counties; thence southerly along the boundary common to San Mateo and Alameda Counties to its intersection with the center line of Willow Road (State Highway 84); thence southwesterly along the center line of Willow Road to the easterly boundary of the City of Menlo Park as it existed on January 1, 1967; thence southwesterly along the easterly boundary of the City of Menlo Park as it existed on January 1, 1967, to its intersection with the center line of the Bayshore Freeway (U.S. Highway 101); thence southeasterly along the center line of the Bayshore Freeway (U.S. Highway 101) to its intersection with the northerly prolongation of the center line of Menalto Avenue; thence southerly along the northerly prolongation and the center line of Menalto Avenue and its southerly prolongation to its intersection with the boundary common to

San Mateo and Santa Clara Counties; thence generally southwesterly along the boundary common to San Mateo and Santa Clara Counties to its intersection with the boundary common to San Mateo and Santa Cruz Counties; thence southerly, westerly, and southerly along the boundary common to San Mateo and Santa Cruz Counties to the westerly boundary of San Mateo County (located in the Pacific Ocean); thence northerly along the boundary of San Mateo County to its intersection with the boundary common to the Counties of San Mateo and San Francisco; thence easterly along the boundary common to the Counties of San Mateo and San Francisco to the point of beginning, shall constitute the 11th Congressional District.

12. The Counties of Santa Cruz, Monterey, Kings and San Luis Obispo shall constitute the Twelfth Congressional District.

13. The Counties of Santa Barbara and Ventura, and all that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the shoreline of the Pacific Ocean and the boundary common to the Counties of Ventura and Los Angeles; thence northerly, northeasterly, easterly and northerly along the boundary common to the Counties of Ventura and Los Angeles to the westerly prolongation of the center line of Calvert Street; thence easterly along the westerly prolongation of the center line of Calvert Street and the center line of Calvert Street to its intersection with the center line of Woodlake Avenue; thence southerly along the center line of Woodlake Avenue to its intersection with the center line of Oxnard Street; thence easterly along the center line of Oxnard Street to its intersection with the center line of Topanga Canyon Boulevard; thence southerly along the center line of Topanga Canyon Boulevard to its intersection with a boundary common to the County of Los Angeles and the City of Los Angeles as it existed January 1, 1967; thence southeasterly, southwesterly, southeasterly and southerly along the boundary common to the boundary of the County of Los Angeles and the City of Los Angeles to its intersection with the shoreline of the Pacific Ocean; thence westerly along the shoreline of the Pacific Ocean to the point of beginning (the intersection of the shoreline of the Pacific Ocean and the boundary common to the Counties of Los Angeles and Ventura), shall constitute the Thirteenth Congressional District.

14. The County of Contra Costa shall constitute the Fourteenth Congressional District.

15. The Counties of San Joaquin and Stanislaus, together with that portion of the County of Merced bounded and described as follows:

Beginning at the intersection of the boundary common to the Counties of Merced and Stanislaus and its intersection with the center line of State Highway 99; thence southeasterly along the center line of State Highway 99 to the center of the

channel of the Merced River; thence generally northeasterly along the center of the channel of the Merced River to the center line of Santa Fe Drive; thence generally southerly along the center line of Santa Fe Drive to the center line of Cressey Way; thence southerly along the center line of Cressey Way and its prolongation to the center line of White Crane Road; thence easterly along the center line of White Crane Road and its prolongations and continuing east along the south line of Section 13, T. 7 S., R. 12 E., M. D. B. & M., and Sections 18 and 17, T. 7 S., R. 13 E., M. D. B. & M. to the center line of Gurr Road; thence northerly along the center line of Gurr Road and its northerly prolongation to the center line of State Route 99; thence southeasterly along the center line of State Route 99 to the center line of Franklin Road; thence northerly along the center line of Franklin Road and continuing northerly along the west line of Sections 27 and 22, T. 6 S., R. 13 E., M. D. B. & M. to the north line of Section 22, T. 6 S , R. 13 E., M. D. B. & M.; thence easterly along the north line of Sections 22, 23 and 24, T. 6 S., R. 13 E., M. D. B. & M., Sections 19, 20, 21, 22, 23 and 24, T. 6 S., R. 14 E., M. D. B. & M., Sections 19, 20, 21, 22, 23 and 24, T. 6 S., R. 15 E., M. D. B. & M., and Section 19, T. 6 S., R. 16 E, M. D. B. & M. to the northeasterly boundary of the County of Merced; thence generally northwesterly and southwesterly along the boundary of the County of Merced to the point of beginning, shall constitute the 15th Congressional District.

16 The County of Fresno, together with all that portion of the County of Merced bounded and described as follows:

Beginning at the intersection of the boundary common to the Counties of Merced and Stanislaus and its intersection with the center line of State Highway 99; thence southeasterly along the center line of State Highway 99 to the center of the channel of the Merced River; thence generally northeasterly along the center of the channel of the Merced River to the center line of Santa Fe Drive; thence generally southerly along the center line of Santa Fe Drive to the center line of Cressey Way; thence southerly along the center line of Cressey Way and its prolongation to the center line of White Crane Road; thence easterly along the center line of White Crane Road and its prolongation and continuing east along the south line of Section 13, T. 7 S., R. 12 E., M. D. B. & M., and Sections 8 and 17, T. 7 S., R. 13 E., M. D. B. & M. to the center line of Gurr Road; thence northerly along the center line of Gurr Road and its northerly prolongation to the center line of State Route 99; thence southeasterly along the center line of State Route 99 to the center line of Franklin Road; thence northerly along the center line of Franklin Road and continuing northerly along the west line of Sections 27 and 22, T. 6 S., R. 13 E., M D. B. & M. to the north line of Section 22, T. 6 S., R. 13 E., M. D. B. & M.; thence easterly

along the north line of Sections 22, 23 and 24, T. 6 S., R. 13 E., M. D. B. & M., Sections 19, 20, 21, 22, 23 and 24, T. 6 S., R. 14 E., M. D. B. & M., Sections 19, 20, 21, 22, 23 and 24, T. 6 S., R. 15 E., M. D. B. & M., and Section 19, T. 6 S., R. 16 E., M. D. B. & M. to the northeasterly boundary of Merced County; thence southeasterly, southwesterly, northwesterly and northeasterly along the boundary of the County of Merced to the point of beginning, shall constitute the Sixteenth Congressional District.

17. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the southwesterly prolongation of Western Avenue with the shoreline of the Pacific Ocean near Fort MacArthur Military Reservation; thence northeasterly along the southwesterly prolongation and the center line of Western Avenue to the center line of 19th Street; thence easterly along the center line of 19th Street to the center line of Weymouth Avenue; thence northerly along the center line of Weymouth Avenue to the center line of Western Avenue; thence northerly along the center line of Western Avenue to the south boundary of Green Hills Memorial Park; thence westerly along the southern boundary of Green Hills Memorial Park to its intersection with the boundary of the City of Rolling Hills Estates as it existed on January 1, 1967; thence northerly along the boundary of the City of Rolling Hills Estates to its intersection with the boundary of the City of Lomita as it existed on January 1, 1967; thence northerly and westerly along the boundary of the City of Lomita to its intersection with the boundary of the City of Torrance as it existed on January 1, 1967; thence generally southerly, westerly, and northwesterly along the boundary of the City of Torrance to its intersection with the center line of Hawthorne Boulevard; thence northerly along the center line of Hawthorne Boulevard and Hawthorne Avenue to its intersection with the boundary of the City of Redondo Beach near 190th Street, as it existed on January 1, 1967; thence generally westerly and southwesterly along the boundary of the City of Redondo Beach to its intersection with the center line of Flagler Lane; thence northerly along the center line of Flagler Lane to the center line of Artesia Boulevard; thence westerly along the center line of Artesia Boulevard to the easterly boundary of the City of Manhattan Beach as it existed on January 1, 1967; thence northerly along the easterly boundary of the City of Manhattan Beach and its northerly prolongation as it existed on January 1, 1967, to its intersection with the center line of Rosecrans Avenue; thence easterly along the center line of Rosecrans Avenue to its intersection with the west boundary of the City of Lawndale as it existed on January 1, 1967, near Ramonia Avenue; thence northerly, easterly, and southerly along the boundary of the City of Lawndale to the center line of Hawthorne Boulevard; thence northerly along the center line of

Hawthorne Boulevard to the center line of El Segundo Boulevard; thence easterly along the center line of El Segundo Boulevard to the center line of Hoover Street; thence southerly along the center line of Hoover Street to the center line of Rosecrans Avenue; thence easterly along the center line of Rosecrans Avenue to the center line of San Pedro Street; thence southerly along the center line of San Pedro Street to the center line of Redondo Beach Boulevard; thence easterly and northeasterly along the center line of Redondo Beach Boulevard to the center line of Compton Boulevard; thence easterly along the center line of Compton Boulevard to the center line of Alameda Street; thence southerly along the center line of Alameda Street to the center line of Artesia Boulevard; thence easterly along the center line of Artesia Boulevard to its intersection with the boundary of the City of Long Beach as it existed on January 1, 1967, near Gale Avenue; thence generally southerly and westerly along the western boundary of the City of Long Beach as it existed on January 1, 1967, to its juncture with the eastern boundary of the City of Los Angeles (in the Wilmington area) near State Highway 1 (also known as Pacific Coast Highway); thence generally southerly and southwesterly along the boundary of the City of Los Angeles as it existed April 30, 1961, (passing to the west of Long Beach Harbor) to the shoreline of the Pacific Ocean; thence generally southwesterly along the shoreline of the Pacific Ocean to the point of beginning (the intersection of the shoreline of the Pacific Ocean with the southwesterly prolongation of Western Avenue near Fort MacArthur Military Reservation), including the Island of Santa Catalina and San Clemente, shall constitute the 17th Congressional District.

18. The County of Tulare and all that portion of the County of Kern bounded and described as follows:

Beginning at the northwest corner of Kern County at a point common with the Counties of San Luis Obispo and Kings; thence easterly along the boundary common to the Counties of Kings and Kern, continuing easterly along the boundary common to the Counties of Tulare and Kern and continuing easterly along the boundary common to the Counties of Inyo and Kern to the center line of the Los Angeles-Owens River Aqueduct as it existed on January 1, 1960; thence generally southwesterly along the center line of the Los Angeles-Owens River Aqueduct to the boundary common to the Counties of Los Angeles and Kern; thence generally westerly along the boundary common to the Counties of Los Angeles and Kern, continuing generally westerly along the boundary common to the Counties of Ventura and Kern and continuing westerly along the boundary common to the Counties of Santa Barbara and Kern to the boundary common to the Counties of San Luis Obispo and Kern; thence northerly and westerly along the boundary common to the Counties of San Luis Obispo and Kern to the point of beginning (north-

west corner of Kern County at a point common with the Counties of San Luis Obispo and Kings, shall constitute the Eighteenth Congressional District.

19. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Kern Avenue (South) and 3rd Street; thence easterly along the center line of 3rd Street and continuing easterly along the center lines of Pomona Boulevard to its intersection with the western and northern boundaries of the City of Montebello; thence easterly along the northern boundary of the City of Montebello as it existed on January 1, 1967, to the center line of Lincoln Avenue; thence northerly along the center line of Lincoln Avenue to the center line of San Gabriel Boulevard; thence southeasterly along the center line of San Gabriel Boulevard to its intersection with the center line of Siphon Road at Durfee Avenue; thence southeasterly along the center line of Siphon Road and its southeasterly prolongation to the center of the channel of San Gabriel River; thence southwesterly along the center of the channel of San Gabriel River to its intersection with the northern boundary of the City of Pico Rivera as it existed on January 1, 1967; thence southeasterly along the northern boundary of the City of Pico Rivera as it existed on January 1, 1967, to the center line of State Highway 605 (also known as San Gabriel River Freeway); thence southwesterly along the center line of State Highway 605 (also known as San Gabriel River Freeway) to the center line of Beverly Boulevard; thence southeasterly along the center line of Beverly Boulevard to the western boundary of the City of Whittier as it existed on January 1, 1967, near Mesagrove Avenue; thence northerly, easterly and southerly along the westerly, northerly and easterly boundary of the City of Whittier as it existed on January 1, 1967, to the center line of Catalina Avenue; thence southwesterly along the center line of Catalina Avenue to the center line of Whittier Boulevard; thence southeasterly along the center line of Whittier Boulevard to the boundary common to the Counties of Los Angeles and Orange; thence southerly and westerly along the boundary common to the Counties of Los Angeles and Orange to its intersection with the northerly boundary of the City of Long Beach as it existed on January 1, 1967, near 226th Street; thence generally westerly and northerly along the boundary of the City of Long Beach to its intersection with the boundary of the City of Cerritos at South Street as it existed on January 1, 1967; thence westerly and northerly along the boundary of the City of Cerritos to its intersection with the boundary common to the City of Bellflower at Allington Street; thence northerly along the easterly boundary of the City of Bellflower to the center of the channel of the San Gabriel River at Foster Road; thence northerly along the center of the channel of the San Gabriel River to the center line of State Highway 5 (also known as Santa Ana

Freeway); thence northwesterly along the center line of State Highway 5 (also known as Santa Ana Freeway) to the prolongation of the center line of Kern Avenue; thence northerly along the southerly prolongation of the center line and center line of Kern Avenue to the point of beginning (at the intersection of the center line of Kern Avenue South and 3rd Street) shall constitute the Nineteenth Congressional District.

20. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the northeast corner of Section 22, T. 2 N., R. 13 W., S.B.B. & M.; thence southerly along the east line of Sections 22 and 27 to its intersection with the south line of the NW ¼ of the NW ¼ of Section 26, T. 2 N., R. 13 W., S.B.B. & M.; thence easterly along the south line of the NW ¼ of the NW ¼ of Section 26 to its intersection with the east line of the NW ¼ of the NW ¼ of Section 26; thence northerly along the east line of the NW ¼ of the NW ¼ of Section 26 to its intersection with the north line of Section 26, T. 2 N., R 13 W., S B B. & M.; thence easterly along the north line of Sections 26 and 25 to its intersection with the westerly boundary of the City of Pasadena as it existed on April 30, 1961; thence meandering in a generally southerly and southeasterly direction along the boundary of the City of Pasadena to its intersection with the township line dividing T. 1 N. and T. 2 N., R. 12 W., S.B.B. & M.; thence easterly along the township line dividing T. 1 N. and T. 2 N. to its intersection with the west line of Section 2, T. 1 N., R. 12 W., S.B.B. & M.; thence southerly along the west line of Section 2, T. 1 N., R. 12 W., S.B.B. & M., to its intersection with the north line of the SW ¼ of Section 2, T. 1 N., R. 12 W., S.B.B. & M. thence easterly along the north line of the SW ¼ of Section 2, T. 1 N., R. 12 W., S.B.B. & M., to its intersection with the east line of the S.W. ¼ of Section 2, T. 1 N., R. 12 W., S.B.B. & M; thence south on the east line of the SW ¼ of Section 2, T. 1 N., R. 12 W., S.B.B. & M., to its intersection with the south line of Section 2, T. 1 N., R. 12 W., S.B.B. & M., being the north line of Section 11, T. 1 N., R. 12 W., S.B.B. & M.; thence easterly along the north line of Sections 11, 12 and 7 to its intersection with the north-south ¼ section line of Section 7, T. 1 N., R. 11 W., S.B.B. & M.; thence southerly along the ¼ section line of Section 7, T. 1 N., R. 11 W., S.B.B. & M., to the south line of Section 7, T. 1 N., R. 11 W., S.B.B. & M.; thence easterly along the south line of Section 7, T. 1 N., R. 11 W., S.B.B. & M., to its intersection with the westerly boundary of the City of Sierra Madre at the southeast corner of Section 7, T. 1 N., R. 11 W., S.B.B. & M.; thence southerly along the westerly boundary of the City of Sierra Madre to its intersection with the westerly boundary of the City of Arcadia at Orange Grove and Michillinda Avenues; thence southerly, easterly, northerly and westerly along the westerly boundary of the City of Arcadia to its intersection with the center line of Huntington Drive as it existed

on January 1, 1967; thence westerly along the center line of Huntington Drive to its intersection with the easterly boundary of the City of San Marino as it existed on January 1, 1967, at San Gabriel Boulevard; thence northerly, westerly and generally southwesterly along the boundary of the City of San Marino to its intersection with the center line of Marengo Avenue; thence northerly along the center line of Marengo Avenue to its intersection with the center line of California Boulevard; thence westerly along the center line of California Boulevard to its intersection with the center line of Arroyo Boulevard; thence generally northerly along the center line of Arroyo Boulevard to its intersection with the center line of Colorado Freeway (State Highway 134); thence generally westerly along the center line of Colorado Freeway to its intersection with the westerly boundary of the City of Pasadena as it existed on January 1, 1967; thence generally northwesterly along the boundary of the City of Pasadena to its intersection with the southerly boundary of the City of Glendale as it existed on January 1, 1967; thence westerly and generally southwesterly along the boundary of the City of Glendale to its most southerly corner at Casitas Avenue and Tyburn Street; thence northwesterly along the southwesterly boundary of the City of Glendale to its intersection with the center line of Glendale Boulevard (Brand Boulevard); thence southwesterly and southerly along the center line of Glendale Boulevard to its intersection with the center line of Cove Avenue; thence northwesterly along the center line of Cove Avenue to its intersection with the center line of Silver Lake Boulevard; thence on a direct line westerly (across Silver Lake) to the intersection of the center lines of West Silver Lake Drive and Redesdale Avenue; thence southwesterly along the center line of Redesdale Avenue to its intersection with the center line of Landa Street; thence westerly along the center line of Landa Street to its intersection with the center line of Griffith Park Boulevard; thence northeasterly along the center line of Griffith Park Boulevard to its intersection with the center line of Fountain Avenue; thence westerly along the center line of Fountain Avenue to its intersection with the center line of Sunset Boulevard; thence northwesterly and westerly along the center line of Sunset Boulevard to its intersection with the center line of Normandie Avenue; thence southerly along the center line of Normandie Avenue to its intersection with the center line of State Highway 101 (Hollywood Freeway); thence northwesterly along the center line of State Highway 101 (Hollywood Freeway) to its intersection with the center line of Sunset Boulevard; thence westerly along the center line of Sunset Boulevard to its intersection with the center line of Gower Street; thence northerly along the center line of Gower Street to its intersection with the center line of State Highway 101 (Hollywood Freeway); thence northwesterly along the center line of State Highway 101 (Hollywood Free-

way) to its intersection with the center line of Barham Boulevard; thence northerly along the center line of Barham Boulevard to its intersection with the southerly boundary of the City of Burbank as it existed on January 1, 1967 at the Los Angeles River; thence generally northeasterly along the boundary of the City of Burbank to its intersection with the center line of San Fernando Road near Spazier Avenue; thence northwesterly along the center line of San Fernando Road to its intersection with the center line of Scott Road; thence northerly along the center line of Scott Road to its intersection with the center line of Glenoaks Boulevard; thence northwesterly along the center line of Glenoaks Boulevard to its intersection with the easterly boundary of the City of Los Angeles at Cohasset Street; thence generally northerly and easterly along the boundary of the City of Los Angeles to its coincidence with the north line of Section 21, T. 2 N., R. 13 W., S.B.B. & M.; thence easterly along the north line of Sections 21 and 22, T. 2 N., R 13 W., S.B.B. & M., to the point of beginning, shall constitute the Twentieth Congressional District.

21. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center lines of Pico Boulevard and Vermont Avenue; thence easterly and southeasterly along the center line of Pico Boulevard to the center line of Union Avenue; thence northeasterly along the center line of Union Avenue to the center line of Olympic Boulevard; thence southeasterly along the center line of Olympic Boulevard to the center line of Hill Street; thence northeasterly along the center line of Hill Street to the center line of 9th Street; thence southeasterly along the center line of 9th Street and continuing southeasterly along the center line of Olympic Boulevard to the center line of Alameda Street; thence southerly along the center line of Alameda Street to the center line of Compton Boulevard; thence westerly along the center line of Compton Boulevard to the center line of Redondo Beach Boulevard; thence southwesterly and westerly along the center line of Redondo Beach Boulevard to the center line of San Pedro Street; thence northerly along the center line of San Pedro Street to the center line of Rosecrans Avenue; thence westerly along the center line of Rosecrans Avenue to the center line of Hoover Street; thence northerly along the center line of Hoover Street to the center line of Vernon Avenue; thence westerly along the center line of Vernon Avenue to the center line of Western Avenue; thence northerly along the center line of Western Avenue to the center line of Exposition Boulevard; thence easterly along the center line of Exposition Boulevard to the center line of Vermont Avenue; thence northerly along the center line of Vermont Avenue to the point of beginning (at the intersection of the center lines of Pico Boulevard and Vermont Avenue), shall constitute the Twenty-First Congressional District.

22. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center line of Magnolia Boulevard with the center line of Clybourn Avenue; thence northerly along the center line and the northerly prolongation of the center line of Clybourn Avenue to the center line of Sunland Boulevard near Pawnee Street; thence continuing northerly along the center line of Sunland Boulevard and continuing northerly along the center line and prolongation of the center line of Clybourn Avenue to the center line of Osborne Street (Little Tujunga Road); thence northeasterly along the center line of Osborne Street (Little Tujunga Road) to the boundary of the City of Los Angeles as it existed January 1, 1967; thence northerly and westerly along the boundary of the City of Los Angeles (passing to the south and west of the U.S. Veterans Reservation) and continuing northwesterly, westerly and northwesterly along the northern boundary of the City of Los Angeles as it existed January 1, 1967, to the center line of the Sierra Highway (State Route 14); thence generally southerly along the center line of the Sierra Highway (State Route 14) to the center line of San Fernando Road; thence southeasterly along the center line of San Fernando Road to the center line of Balboa Boulevard; thence southerly along the center line of Balboa Boulevard to the center line of Roscoe Boulevard; thence westerly along the center line of Roscoe Boulevard to the center of Aliso Creek Channel near Wilbur Avenue; thence generally southerly along the center of Aliso Creek Channel to the center of the Los Angeles River Channel near Capps Avenue; thence southeasterly along the center of Los Angeles River Channel to the center line of Balboa Boulevard; thence southerly along the center line of Balboa Boulevard to the center line of Magnolia Boulevard; thence easterly along the center line and easterly prolongation of the center line of Magnolia Boulevard to the center line of Lankershim Boulevard; thence southeasterly along the center line of Lankershim Boulevard to the center line of Morrison Street; thence easterly along the center line and easterly prolongation of the center line of Morrison Street to the center line of Vineland Avenue; thence southerly along the center line of Vineland Avenue to the center line of Morrison Street; thence easterly along the center line of Morrison Street to the center line of Riverton Avenue; thence northerly along the center line of Riverton Avenue to the center line of Addison Street; thence easterly along the center line of Addison Street to the boundary of the City of Burbank at Ledge Avenue as it existed April 30, 1961; thence northerly, easterly and northerly along the boundary of the City of Burbank as it existed April 30, 1961 to the point of beginning (the intersection of the center line of Magnolia Boulevard with the center line of Clybourn Avenue), shall constitute the Twenty-Second Congressional District.

23. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center line of Alameda Street and the boundary of the City of Los Angeles as it existed on April 30, 1961, near 25th Street; thence generally easterly along the boundary of the City of Los Angeles as it existed on April 30, 1961, to its intersection with the westerly boundary of the City of Commerce near Indiana Street as it existed on January 1, 1967; thence generally northerly and easterly along the boundary of the City of Commerce as it existed on January 1, 1967, to the center line of State Highway 5 (Santa Ana Freeway); thence southeasterly along the center line of State Highway 5 (Santa Ana Freeway) to the center of the channel of the San Gabriel River; thence southerly along the center of the channel of the San Gabriel River to its intersection with the boundary of the City of Bellflower at Foster Road; thence generally southerly and westerly along the eastern and southern boundaries of the City of Bellflower as it existed on January 1, 1967, to the center line of Lakewood Boulevard; thence northerly along the center line of Lakewood Boulevard to the center line of Alondra Boulevard; thence westerly along the center line of Alondra Boulevard to its intersection with the easterly boundary of the City of Paramount as it existed on January 1, 1967; thence southerly and westerly along the boundary of the City of Paramount to its intersection with the boundary of the City of Long Beach near Downey Avenue, as it existed on January 1, 1967; thence generally northerly, westerly, northerly and southerly along the boundary of the City of Long Beach as it existed on January 1, 1967, to the center line of Artesia Boulevard near Gale Avenue; thence westerly along the center line of Artesia Boulevard to the center line of Alameda Street; thence northerly along the center line of Alameda Street to the point of beginning (at the intersection of the center line of Alameda Street and the boundary of the City of Los Angeles as it existed on April 30, 1961, near 25th Street), shall constitute the Twenty-Third Congressional District.

24. All the following described territory:

(a) All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the easterly boundary of Los Angeles County with the westerly boundary of the County of San Bernardino situated on the township line dividing T. 4 N. and T. 3 N., S.B.B. & M.; thence westerly along the township line dividing T. 4 N. and T. 3 N., S.B.B. & M., to the center line of Angeles Forest Highway (Forest Highway 59); thence generally southwesterly along the center line of Angeles Forest Highway to its intersection with the center line of Angeles Crest Highway (State Highway 2); thence generally southwesterly along the center line of Angeles Crest Highway to its intersection with the westerly boundary of the City of

Pasadena as it existed on April 30, 1961; thence meandering in a generally southerly, westerly and southeasterly direction along the westerly boundary of the City of Pasadena as it existed April 30, 1961 to its intersection with the township line dividing T. 1 N. and T. 2 N., R. 12 W., S.B.B. & M.; thence easterly along the township line dividing T. 1 N. and T. 2 N. to its intersection with the west line of Section 2, T. 1 N., R. 12 W., S.B.B. & M.; thence southerly along the west line of Section 2, T. 1 N., R. 12 W., S.B.B. & M., to its intersection with the north line of the SW ¼ of said section 2; thence easterly along the north line of the SW ¼ of Section 2, T. 1 N., R. 12 W., S.B.B. & M., to its intersection with the east line of the SW ¼ of said Section 2; thence south on the east line of the SW ¼ of said Section 2, T. 1 N., R. 12 W., S.B.B. & M., to its intersection with the south line of said Section 2, being the north line of Section 11, T. 1 N., R. 12 W., S.B.B. & M.; thence easterly along the north line of Sections 11, 12 and 7 to its intersection with the north-south ¼ section line of Section 7, T. 1 N., R. 11 W., S.B.B. & M.; thence southerly along the ¼ section line of Section 7, T. 1 N., R. 11 W., S.B.B. & M., to the south line of said Section 7; thence easterly along the south line of Section 7, T. 1 N., R. 11 W., S.B.B. & M., to its intersection with the westerly boundary of the City of Sierra Madre at the southeast corner of Section 7, T. 1 N., R. 11 W., S.B.B. & M.; thence southerly along the westerly boundary of the City of Sierra Madre to its intersection with the westerly boundary of the City of Arcadia at Orange Grove and Michillinda Avenues; thence southerly, easterly, northerly and westerly along the westerly boundary of the City of Arcadia as it existed on January 1, 1967 to its intersection with the center line of Huntington Drive; thence westerly along the center line of Huntington Drive to its intersection with the easterly boundary of the City of San Marino as it existed on January 1, 1967 at San Gabriel Boulevard; thence northerly, westerly and generally southwesterly along the boundary of the City of San Marino to its intersection with the center line of Marengo Avenue; thence northerly along the center line of Marengo Avenue to its intersection with the center line of California Boulevard; thence westerly along the center line of California Boulevard to its intersection with the center line of Arroyo Boulevard; thence generally northerly along the center line of Arroyo Boulevard to its intersection with the center line of Colorado Freeway (State Highway 134); thence generally westerly along the center line of Colorado Freeway to its intersection with the westerly boundary of the City of Pasadena as it existed on January 1, 1967; thence generally northwesterly along the boundary of the City of Pasadena to its intersection with the southerly boundary of the City of Glendale as it existed on January 1, 1967; thence westerly and generally southwesterly along the boundary of the City of Glendale to its intersection with the westerly boundary of

Forest Lawn Memorial Park; thence southerly, southeasterly, northeasterly and southeasterly along said Forest Lawn Memorial Park boundary to the northwesterly prolongation of the center line of the east-west portion of Roderick Road near Verdugo Road; thence easterly along the northwesterly prolongation and the center line of the east-west portion of Roderick Road to its intersection with the center line of Verdugo Road; thence northerly along the center line of Verdugo Road to its intersection with the center line of York Boulevard; thence meandering in a southeasterly direction along the center line of York Boulevard to the westerly boundary of the City of South Pasadena near the Pasadena Freeway; thence southerly and easterly along the boundary of the City of South Pasadena to its intersection with the center line of Huntington Drive; thence southerly along the center line of Huntington Drive to its intersection with the center line of Main Street; thence easterly, southeasterly and easterly along the center line of Main Street to its intersection with the center line of Curtis Avenue; thence northerly along the center line of Curtis Avenue to its intersection with the center line of Woodward Avenue; thence northeasterly along the center line of Woodward Avenue to its intersection with the center line of Garfield Avenue; thence southeasterly along the center line of Garfield Avenue to its intersection with the center line of Main Street; thence northeasterly along the center line of Main Street and continuing easterly along the center line of Las Tunas Drive to its intersection with the center line of Baldwin Avenue; thence southerly along the center line of Baldwin Avenue to its intersection with the center line of Live Oak Avenue; thence easterly along the center line of Live Oak Avenue to its intersection with the easterly boundary of the City of Arcadia near 8th Avenue as it existed on January 1, 1967; thence northeasterly along the boundary of the City of Arcadia to its intersection with the southern boundary of the City of Monrovia south of Duarte Road; thence easterly along the boundary of the City of Monrovia to an angle point on the west side of Peck Road; thence easterly across Peck Road to an angle point in the boundary of the City of Monrovia as it existed on January 1, 1967; thence easterly along the boundary of the City of Monrovia to its intersection with the center of Sawpit Wash; thence northerly along the center of Sawpit Wash to its intersection with the center line of Huntington Drive; thence easterly along the center line of Huntington Drive to its intersection with the westerly boundary of the City of Duarte; thence generally northerly and easterly along the boundary of the City of Duarte to its intersection with the easterly boundary of the City of Bradbury near Crestfield Drive as it existed on January 1, 1967; thence southerly along the southerly prolongation of the easterly boundary of the City of Bradbury to its intersection with the center of the right of way of the Southern Pacific Railroad; thence easterly along the center of the right of way of the Southern Pacific

Railroad to its intersection with the center line of Fish Canyon Road; thence southerly along the center line of Fish Canyon Road to its intersection with State Highway 66 (Huntington Drive and Foothill Boulevard); thence easterly along the center line of State Highway 66 to its intersection with the center line of Alosta Avenue; thence southeasterly and easterly along the center line of Alosta Avenue to the center line of Ben Lomond Avenue; thence southerly along the center line of Ben Lomond Avenue to the center line of Covina Boulevard; thence westerly along the center line of Covina Boulevard to the center line of Hollenbeck Avenue; thence northerly along the center line of Hollenbeck Avenue to its intersection with the center of San Dimas Wash; thence westerly along the center of San Dimas Wash to its intersection with the center line of Azusa Avenue (State Highway 39); thence southerly along the center line of Azusa Avenue to its intersection with the boundary of the City of West Covina as it existed on June 1, 1965, at Badillo Street; thence generally easterly and southerly along the boundary of the City of West Covina to its intersection with the northerly boundary of the City of Walnut; thence generally easterly and southerly along the boundary of the City of Walnut as it existed on April 30, 1961 to its intersection with the boundary of the City of Pomona in Section 33, T. 1 S., R. 9 W., S.B.B. & M.; thence generally southerly along the boundary of the City of Pomona to its intersection with the boundary of the City of Industry; thence generally southwesterly along the boundary of the City of Industry to its intersection with the center line of Old Brea Canyon Road at Currier Road; thence southerly along the center line of Old Brea Canyon Road to its intersection with the south line of Section 17, T. 2 S., R. 9 W., S.B.B. & M.; thence easterly along the south line of Sections 17, 16, 15 and 14 to its intersection with the boundary common to the Counties of Los Angeles and San Bernardino; thence northerly along the boundary common to the Counties of Los Angeles and San Bernardino to the point of beginning (the boundary common to the Counties of Los Angeles and San Bernardino and its intersection with the township line dividing T. 4 N. and T. 3 N., S.B.B. & M.).

(b) All that portion of the County of San Bernardino bounded and described as follows:

Beginning at the intersection of the boundary common to the Counties of San Bernardino and Los Angeles and the southerly boundary of the City of Upland as it existed on January 1, 1967 south of Blanchard Place; thence easterly and southerly along the southerly and westerly boundary of the City of Upland to the center line of Euclid Avenue; thence southerly along the center line of Euclid Avenue to the center line of H Street; thence westerly along the center line of H Street to the center line of Vine Avenue; thence southerly along the center line of Vine Avenue to the center line of Holt Boulevard; thence westerly along the center line of Holt

Boulevard to its intersection with the west boundary of the City of Ontario as it existed on January 1, 1967, at Benson Avenue; thence southerly along the west boundary of the City of Ontario to the center line of Phillips Boulevard; thence westerly along the center line of Phillips Boulevard to its intersection with the boundary common to the Counties of San Bernardino and Los Angeles; thence northeasterly along the boundary common to the Counties of San Bernardino and Los Angeles to the point of beginning (intersection of the boundary common to the Counties of San Bernardino and Los Angeles and the south boundary of the City of Upland) shall constitute the 24th Congressional District.

25. All the following described territory:

(a) All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the boundary common to the Counties of Los Angeles and San Bernardino and its intersection with the south line of Section 14, T. 2 S., R. 9 W., S.B.B. & M.; thence generally southerly along the boundary common to the Counties of Los Angeles and San Bernardino to its intersection with the boundary common to the Counties of Los Angeles and Orange; thence westerly and southerly along the boundary common to the Counties of Los Angeles and Orange to its intersection with the center line of Whittier Boulevard; thence westerly and northwesterly along the center line of Whittier Boulevard to its intersection with the center line of Catalina Avenue; thence northeasterly along the center line of Catalina Avenue to its intersection with the boundary of the City of Whittier as it existed on January 1, 1967; thence generally northwesterly along the easterly and northerly boundary of the City of Whittier to its intersection with the center line of Beverly Boulevard near Mesagrove Avenue; thence northwesterly along the center line of Beverly Boulevard to its intersection with the center line of State Highway 605 (San Gabriel River Freeway); thence northeasterly along the center line of State Highway 605 to its intersection with the northerly boundary of the City of Pico Rivera as it existed on January 1, 1967 (north of Rose Hills Road); thence northwesterly along the northerly boundary of the City of Pico Rivera to its intersection with the center of the channel of the San Gabriel River; thence northeasterly along the center of the channel of the San Gabriel River to its intersection with the boundary of the City of Industry as it existed on January 1, 1967; thence northwesterly along the boundary of the City of Industry as it existed on January 1, 1967 to its intersection with the southerly boundary of the City of El Monte as it existed on January 1, 1967; thence generally northwesterly along the southerly boundary of the City of El Monte as it existed on January 1, 1967 to its intersection with the boundary of the City of Rosemead; thence generally northwesterly, easterly and northerly along the boundary of the City of Rosemead to its intersection with the southern boundary of

Temple City near the Southern Pacific Railroad; thence northwesterly and northerly along the boundary of Temple City as it existed on January 1, 1967 to its intersection with the center line of Las Tunas Drive at Muscatel Avenue; thence easterly along the center line of Las Tunas Drive to its intersection with the center line of Baldwin Avenue; thence southerly along the center line of Baldwin Avenue to its intersection with the center line of Live Oak Avenue; thence easterly along the center line of Live Oak Avenue to its intersection with the easterly boundary of the City of Arcadia near 8th Avenue as it existed on January 1, 1967; thence northeasterly along the boundary of the City of Arcadia to its intersection with the southern boundary of the City of Monrovia south of Duarte Road; thence easterly along the boundary of the City of Monrovia to an angle point on the west side of Peck Road; thence easterly across Peck Road to an angle point in the boundary of the City of Monrovia as it existed on January 1, 1967; thence easterly along the boundary of the City of Monrovia to its intersection with the center of Sawpit Wash; thence northerly along the center of Sawpit Wash to its intersection with the center line of Huntington Drive; thence easterly along the center line of Huntington Drive to its intersection with the westerly boundary of the City of Duarte; thence generally northerly and easterly along the boundary of the City of Duarte to its intersection with the easterly boundary of the City of Bradbury as it existed on January 1, 1967 near Crestfield Drive; thence southerly along the southerly prolongation of the easterly boundary of the City of Bradbury as it existed on January 1, 1967 to its intersection with the center of the right-of-way of the Southern Pacific Railroad; thence easterly along the center of the right-of-way of the Southern Pacific Railroad to its intersection with the center line of Fish Canyon Road; thence southerly along the center line of Fish Canyon Road to its intersection with State Highway 66 (Huntington Drive and Foothill Boulevard); thence easterly along the center line of State Highway 66 to its intersection with the center line of Alosta Avenue; thence southeasterly and easterly along the center line of Alosta Avenue to the center line of Ben Lomond Avenue; thence southerly along the center line of Ben Lomond Avenue to the center line of Covina Boulevard; thence westerly along the center line of Covina Boulevard to the center line of Hollenbeck Avenue; thence northerly along the center line of Hollenbeck Avenue to its intersection with the center of San Dimas Wash; thence westerly along the center of San Dimas Wash to its intersection with the center line of Azusa Avenue (State Highway 39); thence southerly along the center line of Azusa Avenue to its intersection with the boundary of the City of West Covina as it existed on June 1, 1965, at Badillo Street; thence generally easterly and southerly along the boundary of the City of West Covina to its intersection with the northerly boundary of the City of Walnut; thence generally easterly and southerly along the

boundary of the City of Walnut as it existed on April 30, 1961 to its intersection with the boundary of the City of Pomona in Section 33, T. 1 S., R. 9 W., S.B.B. & M.; thence generally southerly along the boundary of the City of Pomona to its intersection with the boundary of the City of Industry; thence generally southwesterly along the boundary of the City of Industry to its intersection with the center line of Old Brea Canyon Road at Currier Road; thence southerly along the center line of Old Brea Canyon Road to its intersection with the south line of Section 17, T. 2 S., R. 9 W., S.B.B. & M.; thence easterly along the south line of Sections 17, 16, 15 and 14 to the point of beginning (the boundary common to the Counties of Los Angeles and San Bernardino and its intersection with the south line of Section 14, T. 2 S., R. 9 W., S.B.B. & M.).

(b) All that portion of the County of Orange bounded and described as follows:

Beginning at a point common to the boundaries of Los Angeles, San Bernardino and Orange Counties; thence southeasterly along the northeasterly boundary of Orange County to its intersection with the center of the channel of the Santa Ana River; thence westerly along the center of the channel of the Santa Ana River to its intersection with the center line of State Highway 91 (Riverside Freeway); thence generally westerly along the center line of State Highway 91 to its intersection with the center line of East Street; thence southerly along the center line of East Street to the center line of Sycamore Street; thence westerly along the center line of Sycamore Street to the center line of Harbor Boulevard; thence northerly along the center line of Harbor Boulevard to the center line of State Highway 91 (Riverside Freeway); thence westerly along the center line of State Highway 91 to the southerly prolongation of the center line of Richman Avenue; thence northerly along the southerly prolongation of the center line and the center line of Richman Avenue to the center line of Valencia Drive; thence westerly along the center line of Valencia Drive to the center of the Fullerton Creek Channel; thence westerly along the center of the Fullerton Creek Channel to the center line of Gilbert Street; thence northerly along the center line of Gilbert Street to the center of the Atchison, Topeka and Santa Fe Railway right-of-way near Artesia Avenue; thence westerly along the Atchison, Topeka and Santa Fe Railway right-of-way to its intersection with the boundary common to the Counties of Los Angeles and Orange; thence generally northerly and easterly along the boundary common to the Counties of Los Angeles and Orange to the point of beginning (the intersection of the boundary of Los Angeles, San Bernardino, and Orange Counties), shall constitute the Twenty-Fifth Congressional District.

26. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the north-south quarter section line of Section 2, T. 1 S., R. 15 W., S.B.B. & M., with the north line of Section 2, T. 1 S., R. 15 W., S.B.B. & M.; thence easterly along the north line of Section 2 and Section 1, T. 1 S., R. 15 W., S.B.B. & M., to the center line of Coldwater Canyon Drive; thence northeasterly along the center line of Coldwater Canyon Drive to the center line of Eden Drive; thence southeasterly along the center line of Eden Drive to the easterly boundary of tract number 21031 (M.B. 607-29 to 31); thence northerly along the east boundary of tract number 21031 (M.B. 607-29 to 31) to the north line of Section 1, T. 1 S., R. 15 W., S.B.B. & M.; thence easterly along the north line of Section 1, T. 1 S., R. 15 W., S.B.B. & M., and continuing easterly along the north line of Section 6, T. 1 S., R. 14 W., S.B.B. & M., to the northerly prolongation of the westerly boundary of tract number 15007 (M.B. 392-45 to 49); thence southerly along the prolongation of the westerly boundary and the westerly boundary of tract number 15007 (M.B. 392-45 to 49) and continuing southerly along the easterly boundary of tract number 17931 (M.B. 654-40 to 42) to the boundary of the City of Beverly Hills as it existed on January 1, 1967; thence easterly and southerly along the boundary of the City of Beverly Hills to the center line of Crescent Drive; thence generally easterly along the meandering center line of Crescent Drive to the center line of Wonderland Avenue; thence generally northeasterly along the meandering center line of Wonderland Avenue to the center line of Lookout Mountain Avenue; thence generally easterly along the center line of Lookout Mountain Avenue to the center line of Laurel Canyon Boulevard; thence northerly along the center line of Laurel Canyon Boulevard to the center line of Mulholland Drive; thence northeasterly and southeasterly along the center line of Mulholland Drive to the center line of Multiview Drive; thence generally northeasterly along the center line of Multiview Drive to the center line of Broadlawn Drive; thence northerly along the center line of Broadlawn Drive to the center line of Cahuenga Boulevard; thence southeasterly along the center line of Cahuenga Boulevard to the southwesterly prolongation of the boundary of the City of Los Angeles as it existed January 1, 1967 near Ellington Drive (south of Universal City); thence northeasterly, southeasterly and northwesterly along the boundary of the City of Los Angeles to its intersection with the boundary of the City of Burbank as it existed on January 1, 1967; thence northeasterly along the boundary of the City of Burbank to the center line of Barham Boulevard; thence generally southerly along the center line of Barham Boulevard to the center line of State Highway 101 (Hollywood Freeway); thence southeasterly along

the center line of State Highway 101 (Hollywood Freeway) to the center line of Franklin Avenue; thence westerly along the center line of Franklin Avenue to the center line of Highland Avenue; thence southwesterly along the center line of Highland Avenue to the center line of Franklin Avenue; thence westerly along the center line of Franklin Avenue to the center line of La Brea Avenue; thence generally southerly along the center line of La Brea Avenue to the center line of San Vicente Boulevard; thence southeasterly along the center line of San Vicente Boulevard to the center line of Venice Boulevard; thence continuing southeasterly along the center line of Venice Boulevard to the center line of Crenshaw Boulevard; thence southwesterly along the center line of Crenshaw Boulevard to the center line of Washington Boulevard; thence easterly along the center line of Washington Boulevard to the center line of 10th Avenue; thence generally southerly along the center line of 10th Avenue to the center line of Adams Boulevard; thence westerly along the center line of Adams Boulevard to the center line of Edgehill Drive; thence southwesterly along the center line of Edgehill Drive to the center line of Montclair Street; thence southeasterly along the center line of Montclair Street to the center line of 10th Avenue; thence southerly along the center line of 10th Avenue to the center line of Exposition Boulevard; thence westerly along the center line of Exposition Boulevard to the center line of La Brea Avenue; thence southerly along the center line of La Brea Avenue to its intersection with the easterly prolongation of the boundary of the City of Los Angeles as it existed on January 1, 1967 south of Veronica Street; thence southwesterly, westerly and northerly along the boundary of the City of Los Angeles to its intersection with the east boundary of the City of Culver City as it existed on January 1, 1967; thence southerly, westerly and southwesterly along the boundary of the City of Culver City and its southwesterly prolongation to the center line of Overland Avenue near Northgate Street; thence northwesterly along the center line of Overland Avenue to the center line of Venice Boulevard; thence southwesterly along the center line of Venice Boulevard to the center line of Centinela Boulevard; thence southeasterly along the center line of Centinela Boulevard to its intersection with the boundary of the City of Los Angeles as it existed on January 1, 1967 near Port Road; thence southeasterly and northeasterly along the boundary of the City of Los Angeles to the center line of Mesmer Avenue; thence southeasterly along the center line of Mesmer Avenue and its southeasterly prolongation to its intersection with the boundary of the City of Los Angeles as it existed on January 1, 1967 near Arizona Circle; thence southwesterly along the boundary of the City of Los Angeles (passing to the south of Hughes Airport) to the center line of Lincoln Boulevard; thence westerly and northwesterly along the center line of

Lincoln Boulevard to the center line of Washington Boulevard; thence southwesterly along the center line of Washington Boulevard to the center line of Washington Street and continuing southwesterly along the center line of Washington Street to the center of the channel of Grand Canal; thence northwesterly along the center of the channel of Grand Canal to the center line of Venice Boulevard and continuing northwesterly along the center line of Canal Street to the northerly-prolongation of the center line of Canal Street and the center line of Main Street to the southerly boundary of the City of Santa Monica as it existed on January 1, 1967; thence northeasterly along the southern boundary of the City of Santa Monica to its intersection with the southeasterly prolongation of 11th Street; thence northwesterly along the southeasterly prolongation of the center line and the center line of 11th Street to the center line of Pico Boulevard; thence northeasterly along the center line of Pico Boulevard to the center line of Cloverfield Boulevard; thence northwesterly along the center line of Cloverfield Boulevard to the center line of Santa Monica Boulevard (State Highway 2); thence northeasterly along the center line of Santa Monica Boulevard to its intersection with the boundary of the City of Beverly Hills as it existed on January 1, 1967; thence northwesterly and northerly along the boundary of the City of Beverly Hills to the westerly boundary of the City of Beverly Hills as it existed on January 1, 1967; thence generally northerly along the westerly boundary of the City of Beverly Hills to its intersection with the center line of Summitridge Drive; thence generally northerly along the center line of Summitridge Drive to the south line of Section 2, T. 1 S., R. 15 W., S. B. B. & M.; thence westerly along the south line of Section 2, T. 1 S., R. 15 W., S. B. B. & M. to the southwest corner of the southeast quarter of Section 2, T. 1 S., R. 15 W., S. B. B. & M.; thence northerly along the west line of the southeast quarter, northeast quarter of Section 2, T. 1 S., R. 15 W., S. B. B. & M. to the point of beginning (the intersection of the north-south quarter section line of Section 2, T. 1 S., R. 15 W., S. B. B. & M., with the north line of Section 2, T. 1 S., R. 15 W., S. B. B. & M.), shall constitute the Twenty-Sixth Congressional District.

27. All that portion of the County of Kern bounded and described as follows:

Beginning at the intersection of the Los Angeles Aqueduct and the boundary common to the Counties of Kern and Inyo; thence easterly along the boundary common to the Counties of Kern and Inyo to its intersection with the boundary common to the Counties of Kern and San Bernardino; thence generally southerly along the boundary common to the Counties of Kern and San Bernardino to its intersection with the boundary common to the Counties of Kern and Los Angeles; thence westerly along the boundary common to the Counties of Kern and Los Angeles to the center line of the Los Angeles-Owens

River Aqueduct as it existed on January 1, 1960; thence generally northeasterly along the center line of the Los Angeles-Owens River Aqueduct to the point of beginning (the intersection of the Los Angeles-Owens River Aqueduct and the boundary common to the Counties of Kern and Inyo), and all that portion of the County of Los Angeles bounded and described as follows:

Beginning at the northwesterly corner of the County of Los Angeles common to the boundary of Ventura and Kern Counties; thence easterly along the boundary common to the Counties of Los Angeles and Kern to its intersection with the boundary common to the Counties of Los Angeles and San Bernardino; thence southerly along the boundary common to the Counties of Los Angeles and San Bernardino to its intersection with the township line dividing T. 4 N., and T. 3 N., S.B.B. & M.; thence westerly along the township line dividing T. 4 N., and T. 3N., S.B.B. & M., to the center line of Angeles Forest Highway (Forest Highway 59); thence generally southwesterly along the center line of Angeles Forest Highway to its intersection with the center line of Angeles Crest Highway (State Highway 2); thence generally southwesterly along the center line of Angeles Crest Highway to its intersection with the westerly boundary of the City of Pasadena as it existed on April 30, 1961; thence southerly along the western boundary of the City of Pasadena as it existed on April 30, 1961 to the north line of Section 25, T. 2 N., R. 13W., S.B.B. & M.; thence westerly along the north line of Sections 25 and 26 to the east line of the northwest ¼ of the northwest ¼ of Section 26, T. 2 N., R. 13W., S.B.B. & M., thence southerly along the east line of the northwest ¼ of the northwest ¼, to the south line of the northwest ¼ of the northwest ¼ of Section 26., T. 2 N., R. 13W., S.B.B. & M.; thence westerly along the south line of the northwest ¼ of the northwest ¼ of Section 26 to the east line of Section 27, T. 2 N., R. 13W., S.B.B. & M.; thence northerly along the east line of Sections 27 and 22, T. 2 N., R. 13W., S.B.B. & M. to the north line of Section 22; thence westerly along the north line of Sections 22, 21 and 20 to the boundary of the City of Los Angeles as it existed on April 30, 1961; thence southerly, westerly and southerly along the boundary of the City of Los Angeles as it existed on April 30, 1961, to the center line of Glenoaks Boulevard; thence southeasterly along the center line of Glenoaks Boulevard to the center line of Scott Road; thence southeasterly along the center line of Scott Road to the center line of San Fernando Boulevard; thence southeasterly along the center line of San Fernando Boulevard to the easterly boundary of the City of Burbank as it existed on April 30, 1961; thence generally southwesterly along the boundary of the City of Burbank as it existed on April 30, 1961 to its intersection with the boundary of the City of Los Angeles as it existed on January 1, 1967; thence southerly and southwesterly along the boundary of the City of Los Angeles and its southwesterly pro-

longation to the intersection of Cahuenga Boulevard near Ellington Drive; thence northwesterly along the center line of Cahuenga Boulevard to the center line of Broadlawn Drive; thence southerly along the center line of Broadlawn Drive to the center line of Multiview Drive; thence generally southwesterly along the center line of Multiview Drive to the center line of Mulholland Drive; thence westerly along the center line of Mulholland Drive to the center line of Laurel Canyon Boulevard; thence northwesterly along the center line of Laurel Canyon Boulevard to the center line of Maxwellton Road; thence generally westerly along the centerline of Maxwellton Road and its westerly prolongation to the center line of Laurel Terrace Drive; thence northwesterly along the center line of Laurel Terrace Drive to the center line of Rhodes Avenue; thence southerly along the center line of Rhodes Avenue to its southerly terminus; thence southwesterly in a direct line to the intersection of Coldwater Canyon Avenue and Mulholland Drive; thence generally westerly along the center line of Mulholland Drive to the center line of the San Diego Freeway (State Route 405); thence northerly along the center line of the San Diego Freeway (State Route 405) to the intersection of the prolongation of the center line of Magnolia Boulevard; thence easterly along the prolongation and center line of Magnolia Boulevard to the center line of Lankershim Boulevard; thence southeasterly along the center line of Lankershim Boulevard to the center line of Morrison Street; thence easterly along the center line and easterly prolongation of the center line of Morrison Street to the center line of Vineland Avenue; thence southerly along the center line of Vineland Avenue to the center line of Morrison Street; thence easterly along the center line of Morrison Street to the center line of Riverton Avenue; thence northerly along the center line of Riverton Avenue to the center line of Addison Street; thence easterly along the center line of Addison Street to the boundary of the City of Burbank at Ledge Avenue as it existed April 30, 1961; thence northerly, easterly and northerly along the boundary of the City of Burbank as it existed April 30, 1961, to the center line of Clybourn Avenue; thence northerly along the center line and the northerly prolongation of the center line of Clybourn Avenue to the center line of Sunland Boulevard near Pawnee Street; thence continuing northerly along the center line of Sunland Boulevard and continuing northerly along the center line and the prolongation of the center line of Clybourn Avenue to the center line of Osborne Street (Little Tujunga Road); thence northeasterly along the center line of Osborne Street (Little Tujunga Road) to the boundary of the City of Los Angeles as it existed January 1, 1967; thence northerly and westerly along the boundary of the City of Los Angeles (passing to the south and west of the U. S. Veterans Reservation) continuing northwesterly, westerly and northwesterly along the northern boundary of the City of Los

Angeles as it existed January 1, 1967, to the center line of Sierra Highway (State Route 14); thence generally southerly along Sierra Highway (State Route 14) to the center line of San Fernando Road; thence southeasterly along San Fernando Road to the center line of Balboa Boulevard; thence southerly along the center line of Balboa Boulevard to the center line of Roscoe Boulevard; thence westerly along the center line of Roscoe Boulevard to the center of the channel of Aliso Creek near Wilbur Avenue; thence generally southerly along the center of the channel of Aliso Creek to the center of the channel of the Los Angeles River near Capps Avenue; thence westerly along the center of Los Angeles River to the center line of Variel Avenue; thence southerly along the center line of Variel Avenue to the center line of Vanowen Street; thence westerly along the center line of Vanowen Street to the center line of Canoga Avenue; thence southerly along the center line of Canoga Avenue to the center line of Oxnard Street; thence westerly along the center line of Oxnard Street to the center line of Woodlake Street; thence northerly along the center line of Woodlake Street to the center line of Calvert Street; thence westerly along the center line of Calvert Street and its westerly prolongation to the boundary common to the Counties of Los Angeles and Ventura; thence northerly, easterly and northwesterly along the boundary common to the Counties of Los Angeles and Ventura to the point of beginning, shall constitute the 27th Congressional District.

28. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the southwesterly prolongation of Western Avenue with the shore line of the Pacific Ocean near Fort MacArthur Military Reservation; thence northeasterly along the southwesterly prolongation and the center line of Western Avenue to the center line of 19th Street; thence easterly along the center line of 19th Street to the center line of Weymouth Avenue; thence northerly along the center line of Weymouth Avenue to the center line of Western Avenue; thence northerly along the center line of Western Avenue to the south boundary of Green Hills Memorial Park; thence westerly along the southern boundary of Green Hills Memorial Park to its intersection with the boundary of the City of Rolling Hills Estates as it existed on January 1, 1967; thence northerly along the boundary of the City of Rolling Hills Estates to its intersection with the boundary of the City of Lomita as it existed on January 1, 1967; thence northerly and westerly along the boundary of the City of Lomita to its intersection with the boundary of the City of Torrance as it existed on January 1, 1967; thence generally southerly, westerly, and northwesterly along the boundary of the City of Torrance to its intersection with the center line of Hawthorne Boulevard; thence northerly along the center line of Hawthorne Boulevard and Hawthorne Avenue to its intersection with the boundary of the City of Redondo Beach, near

190th Street, as it existed on January 1, 1967; thence generally westerly and southwesterly along the boundary of the City of Redondo Beach to its intersection with the center line of Flagler Lane; thence northerly along the center line of Flagler Lane to the center line of Artesia Boulevard; thence westerly along the center line of Artesia Boulevard to the easterly boundary of the City of Manhattan Beach as it existed on January 1, 1967; thence northerly and westerly along the easterly and northerly boundary of the City of Manhattan Beach to its intersection with the center line of Sepulveda Boulevard; thence northerly along the center line of Sepulveda Boulevard to its intersection with the boundary of the City of Los Angeles as it existed on January 1, 1967 near Arizona Circle; thence southwesterly along the boundary of the City of Los Angeles (passing to the south of Hughes Airport) to the center line of Lincoln Boulevard; thence westerly and northwesterly along the center line of Lincoln Boulevard to the center line of Washington Boulevard; thence southwesterly along the center line of Washington Boulevard to the center line of Washington Street and continuing southwesterly along the center line of Washington Street to the center line of the channel of Grand Canal; thence northwesterly along the center of the channel of Grand Canal to the center line of Venice Boulevard and continuing northwesterly along the center line of Canal Street to the northerly-prolongation of the center line of Canal Street and the center line of Main Street to the southerly boundary of the City of Santa Monica as it existed on January 1, 1967; thence northeasterly along the southern boundary of the City of Santa Monica to its intersection with the southeasterly prolongation of 11th Street; thence northwesterly along the southeasterly prolongation of the center line and the center line of 11th Street to the center line of Pico Boulevard; thence northeasterly along the center line of Pico Boulevard to the center line of Cloverfield Boulevard; thence northwesterly along the center line of Cloverfield Boulevard to the center line of Santa Monica Boulevard (State Highway 2); thence northeasterly along the center line of Santa Monica Boulevard to its intersection with the boundary of the City of Beverly Hills as it existed on January 1, 1967; thence northwesterly and northerly along the boundary of the City of Beverly Hills to the westerly boundary of the City of Beverly Hills as it existed on January 1, 1967; thence generally northerly along the westerly boundary of the City of Beverly Hills to its intersection with the center line of Summitridge Drive; thence generally northerly along the center line of Summitridge Drive to the south line of Section 2, T. 1 S., R. 15 W., S. B. B.& M.; thence westerly along the south line of Section 2, T. 1 S., R. 15 W., S. B. B.& M. to the southwest corner of the southeast quarter of Section 2, T. 1 S., R. 15 W., S. B. B.& M.; thence northerly along the west line of southeast quarter, northeast quarter of Section 2, T.1 S., R. 15 W., S. B. B.& M. to the north line of Section 2, T. 1 S., R. 15 W.,

S. B. B.& M.; thence easterly along the north line of Section 2 and Section 1, T. 1 S., R. 15 W., S. B. B.& M., to the center line of Coldwater Canyon Drive; thence northeasterly along the center line of Coldwater Canyon Drive to the center line of Eden Drive; thence southeasterly along the center line of Eden Drive to the easterly boundary of tract number 21031 (M B. 607-29 to 31); thence northerly along the east boundary of tract number 21031 (M.B. 607-29 to 31) to the north line of Section 1, T. 1 S., R. 15 W., S. B. B. & M.; thence easterly along the north line of Section 1, T. 1 S., R. 15 W., S. B. B. & M., and continuing easterly along the north line of Section 6, T. 1 S., R. 14 W., S. B. B.& M., to the northerly prolongation of the westerly boundary of tract number 15007 (M.B. 392-45 to 49); thence southerly along the prolongation of the westerly boundary and the westerly boundary of tract number 15007 (M.B. 392-45 to 49) and continuing southerly along the easterly boundary of tract number 17931 (M.B. 654-40 to 42) to the boundary of the City of Beverly Hills as it existed on January 1, 1967; thence easterly and southerly along the boundary of the City of Beverly Hills to the center line of Crescent Drive; thence generally easterly along the meandering center line of Crescent Drive to the center line of Wonderland Avenue; thence generally northeasterly along the meandering center line of Wonderland Avenue to the center line of Lookout Mountain Avenue; thence generally easterly along the center line of Lookout Mountain Avenue to the center line of Laurel Canyon Boulevard; thence northerly and northwesterly along the center line of Laurel Canyon Boulevard to the center line of Maxwellton Road; thence generally westerly along the centerline of Maxwellton Road and its westerly prolongation to the center line of Laurel Terrace Drive; thence northwesterly along the center line of Laurel Terrace Drive to the center line of Rhodes Avenue; thence southerly along the center line of Rhodes Avenue to its southerly terminus; thence southwesterly in a direct line to the intersection of Coldwater Canyon Avenue and Mulholland Drive; thence generally westerly along the center line of Mulholland Drive to the center line of the San Diego Freeway (State Route 405); thence northerly along the center line of the San Diego Freeway (State Route 405) to the intersection of the prolongation of the center line of Magnolia Boulevard; thence westerly along the prolongation and center line of Magnolia Boulevard to the center line of Balboa Boulevard; thence northerly along the center line of Balboa Boulevard to the center of the channel of the Los Angeles River; thence westerly along the center of the channel of the Los Angeles River to the center line of Variel Avenue; thence southerly along the center line of Variel Avenue to the center line of Vanowen Street; thence westerly along the center line of Vanowen Street to the center line of Canoga Avenue; thence southerly along the center line of Canoga Avenue to the center line of Oxnard Street; thence westerly along the center line of Oxnard Street to the center

line of Topanga Canyon Boulevard; thence southerly along the center line of Topanga Canyon Boulevard to its intersection with a boundary common to the County of Los Angeles and the City of Los Angeles as it existed January 1, 1967; thence southeasterly, southwesterly, southeasterly and southerly along the boundary common to the boundary of the County of Los Angeles and the City of Los Angeles to its intersection with the shoreline of the Pacific Ocean; thence generally southeasterly along the shoreline of the Pacific Ocean to the point of beginning (the intersection of the shoreline of the Pacific Ocean and the southwesterly prolongation of Western Avenue), shall constitute the 28th Congressional District.

29. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center line of State Highway 101 (Hollywood Freeway) with the center line of Normandie Avenue; thence northerly along the center line of Normandie Avenue, to its intersection with the center line of Sunset Boulevard; thence easterly and southeasterly along the center line of Sunset Boulevard to its intersection with the center line of Fountain Avenue; thence easterly along the center line of Fountain Avenue to its intersection with the center line of Griffith Park Boulevard; thence southwesterly along the center line of Griffith Park Boulevard to its intersection with the center line of Landa Street; thence easterly along the center line of Landa Street to its intersection with the center line of Redesdale Avenue; thence northeasterly along the center line of Redesdale Avenue to its intersection with the center line of West Silver Lake Drive; thence on a direct line easterly (across Silver Lake) to the intersection with the center line of Silver Lake Boulevard and Cove Avenue; thence southeasterly along the center line of Cove Avenue to its intersection with the center line of Glendale Boulevard; thence northerly and northeasterly along the center line of Glendale Boulevard to its intersection with the southwesterly boundary of the City of Glendale as it existed on January 1, 1967; thence southeasterly, northeasterly and northwesterly along the boundary of the City of Glendale to its intersection with the westerly boundary of Forest Lawn Memorial Park; thence southerly, southeasterly, northeasterly and southeasterly along said Forest Lawn Memorial Park boundary to the northwesterly prolongation of the center line of the east-west portion of Roderick Road near Verdugo Road; thence easterly along the northwesterly prolongation and the center line of the east-west portion of Roderick Road to its intersection with the center line of Verdugo Road; thence northerly along the center line of Verdugo Road to its intersection with the center line of York Boulevard; thence meandering in a southeasterly direction along the center line of York Boulevard to the westerly boundary of the City of South Pasadena near the Pasadena Freeway; thence southerly and

easterly along the boundary of the City of South Pasadena to its intersection with the center line of Huntington Drive; thence southerly along the center line of Huntington Drive to its intersection with the center line of Main Street; thence easterly, southeasterly and easterly along the center line of Main Street to its intersection with the center line of Curtis Avenue; thence northerly along the center line of Curtis Avenue to its intersection with the center line of Woodward Avenue; thence northeasterly along the center line of Woodward Avenue to its intersection with the center line of Garfield Avenue; thence southeasterly along the center line of Garfield Avenue to its intersection with the center line of Main Street; thence northeasterly along the center line of Main Street and Las Tunas Drive to its intersection with the westerly boundary of Temple City at Muscatel Avenue; thence southeasterly and southerly along the boundary of Temple City as it existed on January 1, 1967, to its intersection with the northerly boundary of the City of Rosemead near the Southern Pacific Railroad; thence southeasterly, southerly and westerly along the easterly boundary of the City of Rosemead to its intersection with the southwesterly boundary of the City of El Monte as it existed on January 1, 1967 near the Rio Hondo; thence generally southeasterly along the southerly boundary of the City of El Monte to its intersection with the boundary of the City of Industry near the San Gabriel River as it existed on January 1, 1967; thence southeasterly along the boundary of the City of Industry to the center of the channel of the San Gabriel River; thence southwesterly along the center of the channel of the San Gabriel River to its intersection with the easterly prolongation of the center line of Siphon Road; thence northwesterly along the center line of the southeasterly prolongation of Siphon Road and the center line of Siphon Road to its intersection with the center line of San Gabriel Boulevard at Durfee Avenue; thence northwesterly along the center line of San Gabriel Boulevard to its intersection with the center line of Lincoln Avenue; thence southerly along the center line of Lincoln Avenue to its intersection with the north and east boundary of the City of Montebello as it existed on January 1, 1967; thence westerly along the north boundary of the City of Montebello to its intersection with the center line of Pomona Boulevard near Gerhart Avenue; thence westerly along the center line of Pomona Boulevard and continuing westerly along the center line of 3rd Street to its intersection with the center line of Kern Avenue (south); thence southerly along the center line of Kern Avenue and the southerly prolongation of the center line of Kern Avenue to its intersection with the center line of State Highway 5; thence northwesterly along the center line of State Highway 5 (Santa Ana Freeway) to its intersection with the northerly boundary of the City of Commerce at Marianna Avenue, as it existed on January 1, 1967; thence generally southerly, westerly and southerly along the northern

boundary of the City of Commerce to its intersection with the boundary of the City of Los Angeles at Indiana Street; thence northerly along the boundary of the City of Los Angeles as it existed on April 30, 1961, to the center line of Blanchard Street; thence easterly along the center line of Blanchard Street to the center line of Gage Avenue; thence northerly along the center line of Gage Avenue to the center line of Blanchard Street; thence easterly along the center line of Blanchard Street to the center line of Geraghty Avenue; thence northerly along the center line of Geraghty Avenue to the westerly prolongation of the center line of Fairmount Street; thence easterly along the westerly prolongation of the center line, the center line and the easterly prolongation of the center line of Fairmount Street to the center line of Brannick Avenue; thence southerly along the center line of Brannick Avenue to the center line of Blanchard Street; thence easterly along the center line of Blanchard Street to the center line of Eastern Avenue; thence generally northerly along the center line of Eastern Avenue to the center line of State Highway 10 (San Bernardino Freeway); thence westerly along the center line of State Highway 10 (San Bernardino Freeway) to the center line of Indiana Street; thence northerly along the center line of Indiana Street to the center line of Valley Boulevard; thence westerly along the center line of Valley Boulevard to the center line of Mission Road; thence southwesterly along the center line of Mission Road to the center line of State Highway 5 (Golden State Freeway); thence northerly along the center line of State Highway 5 (Golden State Freeway) to the center line of State Highway 11 (Pasadena Freeway) thence southwesterly along the center line of State Highway 11 (Pasadena Freeway) to the center line of State Highway 101 (Hollywood Freeway); thence northwesterly along the center line of State Highway 101 (Hollywood Freeway) to its intersection with the center line of Normandie Avenue (point of beginning) shall constitute the Twenty-ninth Congressional District.

30. All that portion of Los Angeles County bounded and described as follows:

Beginning at the intersection of the center lines of Franklin Avenue (east) and La Brea Avenue; thence generally southerly along the center line of La Brea Avenue to the center line of San Vicente Boulevard; thence southeasterly along the center line of San Vicente Boulevard to the center line of Venice Boulevard; thence continuing southeasterly along the center line of Venice Boulevard to the center line of Crenshaw Boulevard; thence southwesterly along the center line of Crenshaw Boulevard to the center line of Washington Boulevard; thence easterly along the center line of Washington Boulevard to the center line of 10th Avenue; thence generally southerly along the center line of 10th Avenue to the center line of Adams Boulevard; thence westerly along the center line of Adams Boulevard to the center line of Edgehill Drive;

thence southwesterly along the center line of Edgehill Drive to the center line of Montclair Street; thence southeasterly along the center line of Montclair Street to the center line of 10th Avenue; thence southerly along the center line of 10th Avenue to the center line of Exposition Boulevard; thence easterly along the center line of Exposition Boulevard to the center line of Vermont Avenue; thence northerly along the center line of Vermont Avenue to the center line of Pico Boulevard; thence easterly and southeasterly along the center line of Pico Boulevard to the center line of Union Avenue; thence northeasterly along the center line of Union Avenue to the center line of Olympic Boulevard; thence southeasterly along the center line of Olympic Boulevard to the center line of Hill Street; thence northeasterly along the center line of Hill Street to the center line of 9th Street; thence southeasterly along the center line of 9th Street and continuing southeasterly along the center line of Olympic Boulevard to the center line of Alameda Street; thence southerly along the center line of Alameda Street to the boundary of the City of Los Angeles as it existed on April 30, 1961 near 25th Street; thence generally easterly and northerly along the boundary of the City of Los Angeles as it existed on April 30, 1961 to the center line of Blanchard Street; thence easterly along the center line of Blanchard Street to the center line of Gage Avenue; thence northerly along the center line of Gage Avenue to the center line of Blanchard Street; thence easterly along the center line of Blanchard Street to the center line of Geraghty Avenue; thence northerly along the center line of Geraghty Avenue to the westerly prolongation of the center line of Fairmount Street; thence easterly along the westerly prolongation of the center line, the center line and the easterly prolongation of the center line of Fairmount Street, to the center line of Brannick Avenue; thence southerly along the center line of Brannick Avenue to the center line of Blanchard Street; thence easterly along the center line of Blanchard Street to the center line of Eastern Avenue; thence generally northerly along the center line of Eastern Avenue to the center line of State Highway 10 (San Bernardino Freeway); thence westerly along the center line of State Highway 10 (San Bernardino Freeway) to the center line of Indiana Street; thence northerly along the center line of Indiana Street to the center line of Valley Boulevard; thence westerly along the center line of Valley Boulevard to the center line of Mission Road; thence southwesterly along the center line of Mission Road to the center line of State Highway 5 (Golden State Freeway); thence northerly along the center line of State Highway 5 (Golden State Freeway) to the center line of State Highway 11 (Pasadena Freeway); thence southwesterly along the center line of State Highway 11 (Pasadena Freeway) to the center line of State Highway 101 (Hollywood Freeway); thence northwesterly along the center line of State Highway 101 (Hollywood Freeway) to the center line of Sunset Boule-

vard; thence westerly along the center line of Sunset Boulevard to the center line of Gower Street; thence northerly along the center line of Gower Street to the center line of State Highway 101 (Hollywood Freeway); thence northwesterly along the center line of State Highway 101 (Hollywood Freeway) to the center line of Franklin Avenue; thence westerly along the center line of Franklin Avenue to the center line of Highland Avenue; thence southwesterly along the center line of Highland Avenue to the center line of Franklin Avenue; thence westerly along the center line of Franklin Avenue to the point of beginning (the intersection of the center lines of Franklin Avenue (east) and La Brea Avenue) shall constitute the Thirtieth Congressional District.

31. All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the center line of Venice Boulevard with the center line of Centinela Avenue; thence southeasterly along the center line of Centinela Avenue to its intersection with the boundary of the City of Los Angeles as it existed on January 1, 1967 near Port Road; thence southeasterly and northeasterly along the boundary of the City of Los Angeles as it existed on January 1, 1967 to the center line of Mesmer Avenue; thence southeasterly along the center line of Mesmer Avenue and its southeasterly prolongation to its intersection with the boundary of the City of Los Angeles as it existed on January 1, 1967 near Arizona Circle; thence southeasterly along the boundary of the City of Los Angeles to the center line of Sepulveda Boulevard; thence southerly along the center line of Sepulveda Boulevard to its intersection with the north boundary of the City of Manhattan Beach as it existed on January 1, 1967; thence easterly along the north boundary of the City of Manhattan Beach as it existed on January 1, 1967 to its intersection with the east boundary of the City of Manhattan Beach as it existed on January 1, 1967 near Aviation Boulevard; thence northerly along the northerly prolongation of the east boundary of the City of Manhattan Beach as it existed on January 1, 1967 to the center line of Rosecrans Avenue; thence easterly along the center line of Rosecrans Avenue to its intersection with the west boundary of the City of Lawndale as it existed on January 1, 1967 near Ramonia Avenue; thence northerly, easterly and southerly along the boundary of the City of Lawndale as it existed on January 1, 1967 to the center line of Hawthorne Boulevard; thence northerly along the center line of Hawthorne Boulevard to the center line of El Segundo Boulevard; thence easterly along the center line of El Segundo Boulevard to the center line of Hoover Street; thence northerly along the center line of Hoover Street to the center line of Vernon Avenue; thence westerly along the center line of Vernon Avenue to the center line of Western Avenue; thence northerly along the center line of Western Avenue to the center line of Exposition Boulevard; thence westerly along the center line of

Exposition Boulevard to the center line of La Brea Avenue; thence southerly along the center line of La Brea Avenue to its intersection with the easterly prolongation of the boundary of the City of Los Angeles as it existed on January 1, 1967 south of Veronica Street; thence southwesterly, westerly and northerly along the prolongation of the boundary and the boundary of the City of Los Angeles as it existed on January 1, 1967 to its intersection with the east boundary of the City of Culver City as it existed on January 1, 1967; thence southerly, westerly and southwesterly along the boundary of the City of Culver City as it existed on January 1, 1967 and its southwesterly prolongation to the center line of Overland Avenue near Northgate Street; thence northwesterly along the center line of Overland Avenue to the center line of Venice Boulevard; thence southwesterly along the center line of Venice Boulevard to the point of beginning (the intersection of the center line of Venice Boulevard with the center line of Centinela Avenue) shall constitute the Thirty-first Congressional District.

32. All of the following described territories:

(a) All that portion of the County of Orange bounded and described as follows:

Beginning at the intersection of the boundary common to the Counties of Orange and Los Angeles to its intersection with the south boundary of the City of Los Alamitos as it existed on January 1, 1967 near Katella Avenue; thence easterly, southerly and easterly along the boundary of the City of Los Alamitos as it existed on January 1, 1967, to its intersection with the boundary of the City of Seal Beach as it existed on January 1, 1967 near Manley Street; thence southerly along the boundary of the City of Seal Beach as it existed on January 1, 1967 to the center line of Bolsa Chica Road; thence southerly along the center line of Bolsa Chica Road to the center line of Edinger Avenue; thence easterly along the center line of Edinger Avenue to the center line of Beach Boulevard; thence southerly along the center line and the southerly prolongation of the center line of Beach Boulevard to the shoreline of the Pacific Ocean; thence northwesterly along the shoreline of the Pacific Ocean to the boundary common to the Counties of Orange and Los Angeles; thence generally northeasterly along the boundary common to the Counties of Orange and Los Angeles to the point of beginning.

(b) All that portion of Los Angeles County bounded and described as follows:

Beginning at the intersection of the shoreline of the Pacific Ocean with the boundary of the City of Los Angeles as it existed April 30, 1961, west of the Long Beach Harbor; thence generally northerly along the boundary of the City of Los Angeles as it existed on April 30, 1961, to its juncture with the west boundary of the City of Long Beach as it existed on January 1, 1967, near State Highway 1 (Pacific Coast Highway); thence generally northerly and easterly along the west

and north boundary of the City of Long Beach as it existed on January 1, 1967, to a point common to the boundaries of the Cities of Paramount and Bellflower on Downey Avenue as they existed on January 1, 1967; thence easterly and northerly along the east boundary of the City of Paramount as it existed on January 1, 1967, to the center line of Alondra Boulevard; thence easterly along the center line of Alondra Boulevard to the center line of Lakewood Boulevard; thence southerly along the center line of Lakewood Boulevard to the southerly boundary of the City of Bellflower as it existed on January 1, 1967; thence westerly along the southerly boundary of the City of Bellflower as it existed on January 1, 1967, to its intersection with the northerly prolongation of the westerly boundary of the City of Lakewood near Coke Avenue as it existed on January 1, 1967; thence southerly along the northerly prolongation of the westerly boundary and the westerly boundary of the City of Lakewood as it existed on January 1, 1967, to the center line of South Street; thence easterly along the center line of South Street to the center line of Lakewood Boulevard; thence southerly along the center line of Lakewood Boulevard to the center line of Del Amo Boulevard; thence easterly along the center line of Del Amo Boulevard to the center line of Bellflower Boulevard; thence southerly along the center line of Bellflower Boulevard to the center line of Carson Street; thence easterly along the center line of Carson Street to the center line of Woodruff Avenue; thence southerly along the center line of Woodruff Avenue to the center line of Wardlow Road; thence easterly along the center line of Wardlow Road to the center of the San Gabriel River; thence southerly along the center of the San Gabriel River to the westerly prolongation of the southerly boundary of the City of Long Beach near Stearns Street as it existed January 1, 1967; thence easterly along the westerly prolongation of the southerly boundary and the southerly boundary of the City of Long Beach as it existed on January 1, 1967, to the boundary common to the Counties of Los Angeles and Orange; thence generally southwesterly along the boundary common to the Counties of Los Angeles and Orange to the shoreline of the Pacific Ocean; thence westerly along the shoreline of the Pacific Ocean to the point of beginning (the intersection of the shoreline of the Pacific Ocean with the boundary of the City of Los Angeles as it existed April 30, 1961, west of the Long Beach Harbor), shall constitute the 32nd Congressional District.

33. All that portion of San Bernardino County bounded and described as follows:

Beginning at the intersection of the boundary common to the Counties of San Bernardino and Inyo with the boundary common to the Counties of San Bernardino and Kern; thence generally southerly along the boundary common to the Counties of San Bernardino and Kern and continuing southerly along the boundary common to the Counties of San Bernar-

dino and Los Angeles to the southerly boundary of the City of Upland as it existed January 1, 1967 south of Blanchard Place; thence easterly and southerly along the southerly and westerly boundary of the City of Upland to the center line of Euclid Avenue; thence southerly along the center line of Euclid Avenue to the center line of H Street; thence westerly along the center line of H Street to the center line of Vine Avenue; thence southerly along the center line of Vine Avenue to the center line of Holt Boulevard; thence westerly along the center line of Holt Boulevard to its intersection with the west boundary of the City of Ontario as it existed on January 1, 1967, at Benson Avenue; thence southerly along the west boundary of the City of Ontario as it existed on January 1, 1967, to the center line of Phillips Boulevard; thence westerly along the center line of Phillips Boulevard to its intersection with the boundary common to the Counties of San Bernardino and Los Angeles; thence southwesterly along the boundary common to the Counties of San Bernardino and Los Angeles to its intersection with the boundary common to the Counties of San Bernardino and Orange; thence generally southeasterly along the boundary common to the Counties of San Bernardino and Orange to its intersection with the boundary common to the Counties of San Bernardino and Riverside; thence northeasterly and easterly along the boundary common to the Counties of San Bernardino and Riverside to the center line of Mulberry Avenue southwesterly of Fontana; thence northerly along the center line of Mulberry Avenue to the center line of Slover Avenue; thence easterly along the center line of Slover Avenue to the center line of Cherry Avenue; thence northerly along the center line of Cherry Avenue and its northerly prolongation to the center line of State Route 10 (San Bernardino Freeway); thence easterly along the center line of State Route 10 to the southerly prolongation of the center line of Meridian Avenue in Colton; thence northerly along the prolongation and the center line of Meridian Avenue to its intersection with the north boundary of the City of Colton near Randall Avenue as it existed on January 1, 1967; thence westerly along the boundary of the City of Colton to its intersection with the east boundary of the City of Rialto as it existed on January 1, 1967; thence northerly and easterly along the boundary of the City of Rialto to the center line of Mill Street; thence westerly along the center line of Mill Street and continuing westerly along the center line of Merrill Avenue to the center line of Sycamore Avenue; thence northerly along the center line of Sycamore Avenue to the center line of Foothill Boulevard; thence easterly along the center line of Foothill Boulevard to the center line of Pepper Avenue; thence northerly along the center line of Pepper Avenue to the center line of 9th Street; thence easterly along the center line of 9th Street and its easterly prolongation to the center line of Meridian Avenue; thence northerly along the center line of Meridian Avenue to

the center line of Base Line Road; thence easterly along the center line of Base Line Road to the center line of Pennsylvania Avenue; thence southerly along the center line of Pennsylvania Avenue to the center line of 9th Street; thence easterly along the center line of 9th Street to the center line of Mt. Vernon Avenue; thence northerly along the center line of Mt. Vernon Avenue and its northerly prolongation to the center line of State Route 15; thence southeasterly and southerly along the center line of State Route 15 to the center line of Mill Street; thence easterly along the center line of Mill Street to the center line of Waterman Avenue; thence southerly along the center line of Waterman Avenue to the center line of State Route 10 (San Bernardino Freeway); thence westerly along the center line of State Route 10 to the center of Santa Ana River, thence southwesterly along the center of Santa Ana River to the center line of La Cadena Drive; thence southerly and southwesterly along the center line of La Cadena Drive to the boundary common to the Counties of San Bernardino and Riverside; thence easterly along the boundary common to the Counties of San Bernardino and Riverside to the boundary common to the States of Arizona and California; thence generally northerly along the boundary common to the States of Arizona and California and continuing northwesterly along the boundary common to the States of California and Nevada to its intersection with the boundary common to the Counties of San Bernardino and Inyo; thence generally westerly along the boundary common to the Counties of San Bernardino and Inyo to the point of beginning (intersection of the boundary common to the Counties of San Bernardino and Inyo with the boundary common to the Counties of San Bernardino and Kern) shall constitute the 33rd Congressional District.

34. All of the following described territories:

(a) All that portion of the County of Orange bounded and described as follows:

Beginning at the intersection of the center line of Bolsa Chica Road and Edinger Avenue; thence easterly along the center line of Edinger Avenue to the center of the Santa Ana River; thence southerly along the center of the Santa Ana River to the center line of Talbert Avenue; thence easterly along the center line of Talbert Avenue to the southerly boundary of the City of Santa Ana as it existed January 1, 1967; thence easterly along the southerly boundary of the City of Santa Ana to the center line of Talbert Avenue; thence easterly along the center line of Talbert Avenue and Alton Avenue to the center line of Bristol Street; thence northerly along the center line of Bristol Street to the center line of Warner Avenue; thence easterly along the center line of Warner Avenue to the center of the right-of-way of the Southern Pacific Railroad; thence northerly along the center of the right-of-way of the Southern Pacific Railroad to the center

line of Edinger Avenue; thence westerly along the center line of Edinger Avenue to the center line of Flower Street; thence northerly along the center line of Flower Street to the center line of Washington Avenue; thence westerly along the center line of Washington Avenue to the center line of Bristol Street; thence northerly along the center line of Bristol Street to the center line of 17th Street; thence westerly along the center line of 17th Street to the center of the Santa Ana River; thence northeasterly along the center of the Santa Ana River to the center line of State Highway 5 (Santa Ana Freeway); thence northwesterly along the center line of State Highway 5 (Santa Ana Freeway) to the southerly prolongation of the center line of West Street; thence northerly along the southerly prolongation of the center line and the center line of West Street to the center line of La Palma Avenue; thence easterly along the center line of La Palma Avenue to the center line of Harbor Boulevard; thence northerly along the center line of Harbor Boulevard to the center line of State Highway 91 (Riverside Freeway); thence westerly along the center line of State Highway 91 to the southerly prolongation of the center line of Richman Avenue; thence northerly along the southerly prolongation of the center line and the center line of Richman Avenue to the center line of Valencia Drive; thence westerly along the center line of Valencia Drive to the center of the Fullerton Creek Channel; thence westerly along the center of the Fullerton Creek Channel to the center line of Gilbert Street; thence northerly along the center line of Gilbert Street to the center of the Atchison, Topeka and Santa Fe Railway right-of-way near Artesia Avenue; thence westerly along the Atchison, Topeka and Santa Fe Railway right-of-way to its intersection with the boundary common to the Counties of Los Angeles and Orange; thence generally southwesterly along the boundary common to the Counties of Los Angeles and Orange to its intersection with the south boundary of the City of Los Alamitos as it existed on January 1, 1967 near Katella Avenue; thence easterly, southerly and easterly along the boundary of the City of Los Alamitos to its intersection with the boundary of the City of Seal Beach as it existed on January 1, 1967 near Manley Street; thence southerly along the boundary of the City of Seal Beach to the center line of Bolsa Chica Road; thence southerly along the center line of Bolsa Chica Road to the point of beginning.

(b) All that portion of the County of Los Angeles bounded and described as follows:

Beginning at the intersection of the boundary common to the Counties of Los Angeles and Orange and the center line of Wardlow with its intersection of the boundary of the City of Long Beach as it existed on January 1, 1967 near 226th Street; thence generally westerly and northerly along the boundary of the City of Long Beach to its intersection with the boundary of the City of Cerritos at South Street as it

existed on January 1, 1967; thence westerly and northerly along the boundary of the City of Cerritos to its intersection with the boundary of the City of Bellflower as it existed on January 1, 1967 near Allington Street; thence westerly along the boundary of the City of Bellflower to its intersection with the northerly prolongation of the westerly boundary of the City of Lakewood near Coke Avenue as it existed on January 1, 1967; thence southerly along the northerly prolongation of the westerly boundary and the westerly boundary of Lakewood to the center line of South Street; thence easterly along the center line of South Street to the center line of Lakewood Boulevard; thence southerly along the center line of Lakewood Boulevard to the center line of Del Amo Boulevard; thence easterly along the center line of Del Amo Boulevard to the center line of Bellflower Boulevard; thence southerly along the center line of Bellflower Boulevard to the center line of Carson Street; thence easterly along the center line of Carson Street to the center line of Woodruff Avenue; thence southerly along the center line of Woodruff Avenue to the center line of Wardlow Road; thence easterly along the center line of Wardlow Road to the center of the San Gabriel River; thence southerly along the center of the San Gabriel River to the westerly prolongation of the southerly boundary of the City of Long Beach near Stearns Street as it existed January 1, 1967; thence easterly along the westerly prolongation of the southerly boundary and the southerly boundary of Long Beach to the boundary common to the Counties of Los Angeles and Orange; thence northeasterly along the boundary common to the Counties of Los Angeles and Orange to the point of beginning shall constitute the 34th Congressional District.

35. All of the following described territories:

(a) All that portion of the County of Orange bounded and described as follows:

Beginning at intersection of the southerly prolongation of the center line of Beach Boulevard with the shoreline of the Pacific Ocean; thence northerly along the center line of Beach Boulevard to the center line of Edinger Avenue; thence easterly along the center line of Edinger Avenue to the center of the Santa Ana River; thence southerly along the center of the Santa Ana River to the center line of Talbert Avenue; thence easterly along the center line of Talbert Avenue to the southerly boundary of the City of Santa Ana as it existed January 1, 1967; thence easterly along the southerly boundary of the City of Santa Ana as it existed on January 1, 1967, to the center line of Talbert Avenue; thence easterly along the center line of Talbert Avenue and Alton Avenue to the center line of Bristol Street; thence northerly along the center line of Bristol Street to the center line of Warner Avenue; thence easterly along the center line of Warner Avenue to the center of the right-of-way of the Southern Pacific Railroad; thence northerly along the center of the right-of-way of the Southern

Pacific Railroad to the center line of Edinger Avenue; thence westerly along the center line of Edinger Avenue to the center line of Flower Street; thence northerly along the center line of Flower Street to the center line of Washington Avenue; thence westerly along the center line of Washington Avenue to the center line of Bristol Street; thence northerly along the center line of Bristol Street to the center line of 17th Street; thence westerly along the center line of 17th Street to the center of the Santa Ana River; thence northeasterly along the center of the Santa Ana River to the center line of State Highway 5 (Santa Ana Freeway); thence northwesterly along the center line of State Highway 5 (Santa Ana Freeway) to the southerly prolongation of the center line of West Street; thence northerly along the southerly prolongation of the center line and the center line of West Street to the center line of La Palma Avenue; thence easterly along the center line of La Palma Avenue to the center line of Harbor Boulevard; thence southerly along the center line of Harbor Boulevard to the center line of Sycamore Street; thence northeasterly along the center line of Sycamore Street to the center line of East Street; thence northerly along the center line of East Street to the center line of State Highway 91 (Riverside Freeway); thence generally easterly along the center line of State Highway 91 (Riverside Freeway) to the center of the channel of the Santa Ana River; thence easterly along the center of the channel of the Santa Ana River to the boundary common to the Counties of Riverside and Orange; thence southeasterly and southwesterly along the boundary common to the Counties of Riverside and Orange to the boundary common to the Counties of San Diego and Orange; thence generally southwesterly along the boundary common to the Counties of San Diego and Orange to the shoreline of the Pacific Ocean; thence northwesterly along the shoreline of the Pacific Ocean to the point of beginning (the intersection of the shoreline of the Pacific Ocean with the southerly prolongation of the center line of Beach Boulevard).

(b) All that portion of San Diego County bounded and described as follows:

Beginning at the intersection of the boundary common to the Counties of Orange and San Diego with the shoreline of the Pacific Ocean; thence northeasterly along the boundary common to the Counties of Orange and San Diego to the boundary common to the Counties of Riverside and San Diego; thence easterly along the boundary common to the Counties of Riverside and San Diego to the west boundary of the Anza-Borrego Desert State Park; thence generally southerly along the west boundary of the Anza-Borrego Desert State Park to the center line of Grapevine Canyon Road; thence southeasterly along the center line of Grapevine Canyon Road to the center line of State Highway 78; thence southwesterly along the center line of State Highway 78 to the center line of County Road Z

1423 as shown on sheet No. 3 of the San Diego County Road System Map prepared by the California Division of Highways; thence southerly and westerly along the center line of County Road Z 1423 to the center line of State Highway 79; thence southerly along the center line of State Highway 79 to the center line of Sunrise Highway; thence southeasterly along the center line of Sunrise Highway to the center line of State Highway 8 (formerly known as U. S. Highway 80); thence northwesterly along the center line of State Highway 8 (formerly known as U. S. Highway 80) to the center of the channel of Pine Valley Creek; thence southwesterly along the center of the channel of Pine Valley Creek to the center of Skye Valley Truck Trail; thence generally northwesterly along the center of Skye Valley Truck Trail to the center of Barrett Truck Trail near the site of Barrett Honor Camp; thence northeasterly along the center of Barrett Truck Trail to the center of Japatul Lyons Valley Road near the west line of Section 27, T. 16S, R. 3E, S.B.B. & M.; thence northerly along the center line of Japatul Lyons Valley Road to the center line of Japatul Dehesa Road; thence northwesterly along the center line of Japatul Dehesa Road to the center of the Loveland Reservoir in the SE ¼ of Section 11, T. 16S, R. 2E, S.B.B. & M.; thence westerly along the center of Loveland Reservoir to the center of the channel of Sweetwater River; thence generally westerly along the center of the channel of Sweetwater River to the center line of Sloan Ranch Truck Trail as delineated on U. S. Geological Survey Map (Alpine Quadrangle), dated 1955; thence northerly along the center line of Sloan Ranch Truck Trail to the center line of Dehesa Road; thence northerly and northeasterly along the center line of Dehesa Road to the east line of Section 6, T. 16S, R 2E, S.B.B. & M.; thence northerly along the east line of Section 6, T. 16S, R. 2E, S.B.B. & M. and continuing northerly along the east line of Sections 31, 30, 19, 18, 7 and 6, T. 15S, R. 2E, S.B.B. & M. to the easterly prolongation of the township line between townships 15 South and 14 South, S.B.B. & M.; thence westerly along the prolongation of the township line and the township line between townships 15 South and 14 South S.B.B. & M. to the center line of Pomerado Road; thence southwesterly along the center line of Pomerado Road and continuing along the center line of Miramar Road; thence westerly and southwesterly along the center line of Miramar Road to the center of the right-of-way of the Atchison, Topeka and Santa Fe Railway near Linda Vista; thence southwesterly along the center of the right-of-way of the Atchison, Topeka and Santa Fe Railway passing through Rose Canyon to the center line of the access road leading to the railway station at Elvira; thence southwesterly along the center line of the access road leading to the railway station at Elvira to the center line of State Highway 5; thence generally southerly along the center line of State Highway 5 to

the easterly prolongation of the center line of Loring Street; thence westerly along the easterly prolongation of the center line, the center line, and the westerly prolongation of the center line of Loring Street to its intersection with the northerly prolongation of the center line of Academy Drive from Beryl Street; thence southerly on a northerly prolongation of Academy Drive to its intersection with the center line of Beryl Street; thence westerly along the center line and the prolongation of the center line of Beryl Street to the shoreline of the Pacific Ocean; thence generally northerly along the shoreline of the Pacific Ocean to the point of beginning (the intersection of the boundary common to the Counties of Orange and San Diego with the shoreline of the Pacific Ocean), shall constitute the Thirty-fifth Congressional District.

36. All that portion of San Diego County bounded and described as follows:

Beginning at the intersection of the shoreline of the Pacific Ocean with the prolongation of the center line of Beryl Street; thence easterly along the prolongation of the center line and the center line of Beryl Street to the intersection of the center line of Academy Drive; thence northerly on a northerly prolongation of the center line of Academy Drive to its intersection with the westerly prolongation of the center line of Loring Street; thence easterly along the westerly prolongation of the center line, the center line and the easterly prolongation of the center line of Loring Street to the center line of State Highway 5; thence generally northerly along the center line of State Highway 5 to the center line of the access road leading to the railway station at Elvira; thence northeasterly along the center line of the access road leading to the railway station at Elvira to the center line of the right of way of the Atchison, Topeka, and Santa Fe Railway; thence northeasterly along the center line of the right of way of the Atchison, Topeka, and Santa Fe Railway passing thru Rose Canyon to its intersection with the center line of Miramar Road near Linda Vista; thence northeasterly and easterly along the center line of Miramar Road and continuing along the center line of Pomerado Road to the township line between townships 14 south and 15 south S.B.B. & M.; thence easterly along the township line between townships 14 south and 15 south S.B.B. & M. and the easterly prolongation thereof to the east line of Section 6, T. 15S, R. 2E, S.B.B & M.; thence southerly along the east line of Sections 6, 7, 18, 19, 30 and 31 of T. 15S, R. 2E, S.B B. & M. and continuing southerly along the east line of Section 6, T. 16S, R. 2E, S.B.B. & M. to the center line of Dehesa Road; thence southwesterly along the center line of Dehesa Road to the center line of Willow Glen Road; thence southerly and southwesterly along the center line of Willow Glen Road to the center line of Hillsdale Road; thence westerly along the center line of Hillsdale Road to the center line of Jamacha Road; thence northerly

along the center line of Jamacha Road to the center line of Chase Avenue; thence westerly along the center line of Chase Avenue to the center line of Fuerte Drive; thence generally westerly along the center line of Fuerte Drive to the center line of Grandview Drive; thence generally westerly along the center line of Grandview Drive and Edgewood Drive to the center line of Bancroft Drive; thence southerly along the center line of Bancroft Drive to the center line of Mariposa Street; thence generally westerly along the center line of Mariposa Street to the center line of State Route 125; thence southwesterly along the center line of State Route 125 and continuing southwesterly and westerly along the center line of State Route 94 to the center line of Waite Drive; thence northwesterly along the center line of Waite Drive to the center line of Murray Hill Road; thence northerly along the center line of Murray Hill Road to its intersection with the southerly boundary of the City of La Mesa as it existed on January 1, 1967; thence northerly, westerly, northerly and northeasterly along the westerly boundary of the City of La Mesa to the center line of El Cajon Boulevard; thence westerly along the center line of El Cajon Boulevard to the center line of Park Boulevard; thence southerly and southwesterly along the center line of Park Boulevard to the prolongation of the center line of Cedar Street; thence westerly along the prolongation of the center line and the center line of Cedar Street to the center line of Pacific Highway; thence northwesterly along the center line of Pacific Highway to the center line of Laurel Street; thence southwesterly along the center line and the southwesterly prolongation of Laurel Street to the middle of the San Diego Bay; thence southeasterly and southerly along the middle of the San Diego Bay to the boundary common to the Cities of Coronado and San Diego (within San Diego Bay) as it existed January 1, 1967; thence generally southerly along the boundary common to the Cities of Coronado and San Diego to the boundary common to the Cities of Coronado and Imperial Beach as it existed January 1, 1967; thence southwesterly along the boundary common to the Cities of Coronado and Imperial Beach as it existed January 1, 1967 to the shoreline of the Pacific Ocean; thence northerly along the shoreline of the Pacific Ocean to the point of beginning (the intersection of the shoreline of the Pacific Ocean with the prolongation of the center line of Beryl Street) shall constitute the Thirty-sixth Congressional District.

37. All that portion of San Diego County bounded and described as follows:

Beginning at the intersection of the boundary common to the Counties of Riverside and San Diego with the west boundary of Anza-Borrego Desert State Park; thence easterly along the boundary common to the Counties of Riverside and San Diego to the boundary common to the Counties of Imperial and San Diego; thence southerly along the boundary common

to the Counties of Imperial and San Diego to the International Boundary with the Republic of Mexico; thence westerly along the International Boundary with the Republic of Mexico to the shoreline of the Pacific Ocean; thence northerly along the shoreline of the Pacific Ocean to the boundary common to the Cities of Coronado and Imperial Beach as it existed January 1, 1967; thence northeasterly along the boundary common to the Cities of Coronado and Imperial Beach to the boundary common to the cities of Coronado and San Diego as it existed January 1, 1967; thence generally northerly along the boundaries common to the cities of Coronado and San Diego to the middle of the San Diego Bay; thence northerly and northwesterly along the middle of the San Diego Bay to the southwesterly prolongation of Laurel Street; thence northeasterly along the southwesterly prolongation and the center line of Laurel Street to the center line of Pacific Highway; thence southeasterly along the center line of Pacific Highway to the center line of Cedar Street; thence easterly along the center line and the prolongation of the center line of Cedar Street to the center line of Park Boulevard; thence northeasterly and northerly along the center line of Park Boulevard to the center line of El Cajon Boulevard; thence easterly along the center line of El Cajon Boulevard to its intersection with the westerly boundary of the City of La Mesa as it existed on January 1, 1967; thence southwesterly, southerly, easterly and southerly along the westerly boundary of the City of La Mesa to the center line of Murray Hill Road; thence southerly along the center line of Murray Hill Road to the center line of Waite Drive; thence southeasterly along the center line of Waite Drive to the center line of State Route 94; thence easterly and northeasterly along the center line of State Route 94 and continuing northeasterly along the center line of State Route 125 to the center line of Mariposa Street; thence generally easterly along the center line of Mariposa Street to the center line of Bancroft Drive; thence northerly along the center line of Bancroft Drive to the center line of Edgewood Drive; thence easterly along the center line of Edgewood Drive and Grandview Drive to the center line of Fuerte Drive; thence generally easterly along the center line of Fuerte Drive to the center line of Chase Avenue; thence easterly along the center line of Chase Avenue to the center line of Jamacha Road; thence southerly along the center line of Jamacha Road to the center line of Hillsdale Road; thence easterly along the center line of Hillsdale Road to the center line of Willow Glen Road; thence northeasterly and northerly along the center line of Willow Glen Road to the center line of Dehesa Road; thence easterly along the center line of Dehesa Road to the center line of Sloan Ranch Truck Trail, as delineated on U. S. Geological Survey Alpine Quadrangle, dated 1955; thence southerly along the center line of Sloan Ranch Truck Trail as delineated on the U. S. Geological Survey Alpine Quadrangle, dated 1955.

to the center of the channel of Sweetwater River; thence generally easterly along the center of the channel of Sweetwater River to the Loveland Reservoir; thence easterly along the north shore of the Loveland Reservoir to the center line of Japatul Dehesa Road in the South East ¼ of Section 11, T. 16S. R. 2E, S.B B. & M.; thence southeasterly along the center line of Japatul Dehesa Road to the center line of Japatul Lyons Valley Road; thence southerly and southwesterly along the center line of Japatul Lyons Valley Road to the center of Barrett Truck Trail near the west line of Section 27, T. 16 S., R. 3 E., S.B.B. & M.; thence southwesterly along the center of Barrett Truck Trail to the center of Skye Valley Truck Trail near the site of Barrett Honor Camp; thence generally southeasterly along the center of Skye Valley Truck Trail to the center of the channel of Pine Valley Creek; thence northeasterly along the center of the channel of Pine Valley Creek to the center line of State Highway 8 (formerly known as U.S. Highway 80); thence southeasterly along the center line of State Highway 8 (formerly known as U.S. Highway 80) to the center line of Sunrise Highway; thence northeasterly and northwesterly along the center line of Sunrise Highway to the center line of State Highway 79; thence northerly along the center line of State Highway 79 to the center line of County Road Z1423 as shown on sheet No. 3 of the San Diego County Road System Map, prepared by the California Division of Highways; thence easterly and northerly along the center line of County Road Z1423 to the center line of State Highway 78 at Banner; thence northeasterly along the center line of State Highway 78 to the center line of Grapevine Canyon Road; thence northwesterly along the center line of Grapevine Canyon Road to west boundary of the Anza-Borrego Desert State Park; thence generally northerly along the west boundary of the Anza-Borrego Desert State Park to the point of beginning (the intersection of the boundary common to the Counties of Riverside and San Diego with the west boundary of Anza-Borrego Desert State Park), including all crews on vessels, shall constitute the Thirty-seventh Congressional District.

38. The Counties of Imperial and Riverside together with all that portion of the County of San Bernardino bounded and described as follows:

Beginning at the intersection of the boundary common to the Counties of San Bernardino and Riverside with the center line of Mulberry Avenue southwesterly of Fontana; thence northerly along the center line of Mulberry Avenue to the center line of Slover Avenue; thence easterly along the center line of Slover Avenue to the center line of Cherry Avenue; thence northerly along the center line of Cherry Avenue and its northerly prolongation to the center line of State Route 10 (San Bernardino Freeway): thence easterly along the center line of State Route 10 to the southerly prolongation of the

center line of Meridian Avenue in Colton; thence northerly along the prolongation and the center line of Meridian Avenue to its intersection with the north boundary of the City of Colton near Randall Avenue as it existed on January 1, 1967; thence westerly along the boundary of the City of Colton to its intersection with the east boundary of the City of Rialto as it existed on January 1, 1967; thence northerly and easterly along the boundary of the City of Rialto to the center line of Mill Street; thence westerly along the center line of Mill Street and continuing westerly along the center line of Merrill Avenue to the center line of Sycamore Avenue; thence northerly along the center line of Sycamore Avenue to the center line of Foothill Boulevard; thence easterly along the center line of Foothill Boulevard to the center line of Pepper Avenue; thence northerly along the center line of Pepper Avenue to the center line of 9th Street; thence easterly along the center line of 9th Street and its easterly prolongation to the center line of Meridian Avenue; thence northerly along the center line of Meridian Avenue to the center line of Base Line Road; thence easterly along the center line of Base Line Road to the center line of Pennsylvania Avenue; thence southerly along the center line of Pennsylvania Avenue to the center line of 9th Street, thence easterly along the center line of 9th Street to the center line of Mount Vernon Avenue; thence northerly along the center line of Mt. Vernon Avenue and its northerly prolongation to the center line of State Route 15; thence southeasterly and southerly along the center line of State Route 15 to the center line of Mill Street; thence easterly along the center line of Mill Street to the center line of Waterman Avenue; thence southerly along the center line of Waterman Avenue to the center line of State Route 10 (San Bernardino Freeway); thence westerly along the center line of State Route 10 to the center of Santa Ana River; thence southwesterly along the center of Santa Ana River to the center line of La Cadena Drive; thence southerly and southwesterly along the center line of La Cadena Drive to the boundary common to the Counties of San Bernardino and Riverside; thence westerly and northerly along the boundary common to the Counties of San Bernardino and Riverside to the point of beginning shall constitute the 38th Congressional District.

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

The act affects the congressional districts of this state in which there are elections on June 4, 1968, and it is necessary that these districts be finally determined in order that nomination papers and election procedures may be properly completed for that election.

CHAPTER 2

An act to add Sections 35950 1, 35950.2, 35950.3, 35950.4, 35950.5, 35950 6, 35950.7, 36433, and 36434 to the Water Code, relating to California water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor Feb uary 14, 1968. Filed with Secretary of State February 14,1968]

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

SECTION 1. Section 35950.1 is added to the Water Code, to read:

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

SEC. 2. Section 35950.2 is added to the Water Code, to read:

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

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

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

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

(d) That assessments for carrying out said purpose shall be levied exclusively on the lands of the district or improvement district including any territory annexed thereto.

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

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

SEC. 3. Section 35950.3 is added to the Water Code, to read:

35950.3. Notice of said hearing shall be given by publishing a copy of the resolution provided for in Section 35950.2 in a newspaper of general circulation published in each affected county, pursuant to Section 6066 of the Government Code; the first publication to be at least fourteen (14) days prior to the time fixed for the hearing. Said notice shall also be given by posting a copy of said resolution in three public places within the district or the improvement district for at least fourteen (14) days prior to the time fixed for said hearing. No notice other than that required by this section need be given.

SEC. 4. Section 35950.4 is added to the Water Code, to read:

35950.4. At the time and place so fixed or at any time or place to which the hearing is continued, the board shall hold the hearing provided for by said resolution at which hearing any person interested, including all persons owning land in the district or improvement district to which the hearing pertains, may appear and be heard concerning any matters set forth in the resolution or any matters material thereto. At the conclusion of the hearing on the proposed changes or supplements, the board may, by resolution, amend the plan of works previously adopted in accordance with the proposed changes or supplements. If there is any change in the estimated cost of carrying out the plan of works and the purposes to be accomplished, the amended total of the estimated expense shall be set forth specifically. Additionally, in the event that any bonds to accomplish the original plan of works have been previously investigated and approved for certification by the California Districts Securities Commission, the resolution shall request approval thereof by the commission and any such change or supplement shall not be effective until the approval of the commission has been obtained.

SEC. 5. Section 35950.5 is added to the Water Code, to read:

35950.5. If the issuance of bonds has been authorized previously by the district or by the district for an improvement district and the change or supplement to the plan of works has increased the original estimate of cost, the board may provide for and call a special bond election within the district or the improvement district to submit to the voters of the district or the improvement district a proposition of whether or not additional indebtedness shall be incurred and bonds issued therefor in an amount which, when added to the amount of unissued bonds previously authorized to accomplish the original plan of works, will not exceed the revised estimate of cost set forth in the resolution approving the change or supplement to the plan of works. Said proposition need only refer to the amended plan, state the amount of additional bonds to be authorized, and indicate that previously authorized bonds will be issued to carry out the amended plan. Said proposition

need not state the amount of unissued bonds previously authorized. In any such instance, the special bond election provided for herein shall be called, noticed, held, conducted and the results thereof canvassed in substantially the same manner as provided for in this division for general obligation bond elections.

SEC. 6. Section 35950.6 is added to the Water Code, to read:

35950.6. If two-thirds of the votes cast at a special bond election favor the issuance of the bonds necessary to accomplish the change or supplement to the plan of works as herein authorized, the board may, by resolution at such time or times as it deems proper, provide for the issuance of all or any part of said bonds.

SEC. 7. Section 35950.7 is added to the Water Code, to read:

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

SEC. 8. Section 36433 is added to the Water Code, to read:

36433. The board may advance general funds of the district to accomplish an approved plan of works of an improvement district.

SEC. 9. Section 36434 is added to the Water Code, to read:

36434. The board may repay the district for any advance of funds with any money received which is authorized by law to be used for such a purpose including the proceeds of the sale of bonds authorized for the purposes of the improvement district.

SEC. 10. This act shall remain in effect until the 61st day after the final adjournment of the 1968 Regular Session of the Legislature, and shall have no force or effect after that date.

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

In order to enable California water districts to carry out their duty of providing water and sewer facilities to the lands within their boundaries or within the boundaries of their improvement districts, it is necessary to clarify the California Water District Law as to the authority and procedure by which a plan of works for a California water district or an improvement district thereof may be modified and additional bonds submitted for the approval and authorization of the electorate. It is also necessary to clarify the law in regard to the interim use of general funds of a California water district for the purposes of an improvement district. This bill will clarify and supplement existing provisions previously enacted so that immediate plans for water and sewer facilities

within California water districts and improvement districts thereof may be consummated, authorized and constructed in sufficient time to meet existing needs of the public.

CHAPTER 3

An act to add Section 17710 to the Education Code, relating to financial support for the public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 29, 1968. Filed with Secretary of State February 29, 1968]

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

SECTION 1. Section 17710 is added to the Education Code, to read:

17710. Whenever, subsequent to the date of formulation of the last equalized assessment roll in a county, assessment equalizations conducted under Part 3 (commencing with Section 1601) of Division 1 of the Revenue and Taxation Code have resulted in a substantial reduction or increase in the level of assessed valuation of property of a school district as compared to that reported pursuant to Section 17701, the county assessor shall notify and furnish to the Superintendent of Public Instruction, on or before the first day of March in the fiscal year, the corrected assessed valuation of property within the district. The Superintendent of Public Instruction shall utilize the corrected valuation amounts for purposes of making all computations prescribed by this article for the district for this fiscal year. Upon receipt thereof, the Superintendent of Public Instruction shall make the necessary revisions in all computations affecting the district made under this article.

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

In a number of school districts in the state assessment equalization proceedings conducted after the formulation of the last equalized assessment roll for counties for the 1967–1968 fiscal year have resulted in substantial reductions in the total of assessed valuation of property appearing on such rolls. As a result, local tax revenues accruing to the districts will be lower than anticipated. At the same time, State School Fund foundation program support allowances will be computed utilizing the higher assessed valuation levels appearing on the last equalized assessment roll, with the result that amounts allowed will not reflect the true state of local support resources for the year. In order that the urgently needed financial relief provided for affected school districts by this act

may be availed of during the 1967–1968 fiscal year, it is essential that this act take effect immediately.

CHAPTER 4

An act to amend Sections 9929 and 9997 of the Business and Professions Code, relating to employment agencies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 12, 1968. Filed with Secretary of State March 12, 1968.]

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

SECTION 1. Section 9929 of the Business and Professions Code is amended to read:

9929. Notwithstanding any other provision of this code, each member of a board shall hold office until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

The terms of the members first appointed to the board shall expire as follows: three members, January 1, 1969; three members, January 1, 1970; and one member, January 1, 1971. Thereafter appointments shall be made for a term of four years.

Vacancies occurring in the membership of the board for any cause shall be filled by appointment for the balance of the unexpired term.

No member shall serve more than two consecutive terms of office.

SEC. 2. Section 9997 of the Business and Professions Code is amended to read:

9997. The bureau shall charge the following fees:

(a) A filing fee of fifty dollars ($50) for each new application for license.

(b) A filing fee of one hundred dollars ($100) for each new application for a branch office license.

(c) A filing fee of fifty dollars ($50) for application for examination or reexamination.

(d) A filing fee of fifty dollars ($50) for application to transfer or assign a license.

(e) An annual license fee of two hundred dollars ($200) for an employment agency license, except that the annual license fee for an employment agency engaged exclusively in the business of procuring babysitting employment for others shall be seventy-five dollars ($75).

(f) An annual license fee of one hundred dollars ($100) for license of each branch office.

(g) An interim employment agency license fee of one hundred dollars ($100).

(h) A reinstatement fee of two hundred dollars ($200), in addition to other fees, to reinstate a license revoked or suspended.

No fees shall be prorated for the unexpired portion of the license year.

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:

Section 9929 as added to the Business and Professions Code in 1967 (Chapter 1505) specifies the terms of the members first appointed to the California Advisory Board of the Bureau of Employment Agencies but fails to specify the duration of the terms of persons appointed subsequently. Since the law provides that the terms of three of said board members shall expire January 1, 1969, and since the duration of the terms of successor board members is not specified, it is necessary that the duration of such terms be specified prior to the appointment of successor board members.

Employment agencies engaged exclusively in providing part-time babysitting services are required by the provisions of Section 9997 of the Business and Professions Code to pay an annual license fee of two hundred dollars ($200), the same amount as a general employment agency, and due to the modest income of such agencies, the fee is disproportionately large. Therefore, in order to avoid a hardship on such agencies and to provide relief from the payment of the entire amount of such fees, it is necessary to amend said Section 9997 to provide a reduced fee before the end of the license year which expires March 31, 1968.

CHAPTER 5

An act to add Section 20580.01 to the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 14, 1968 Filed with Secretary of State March 14, 1968]

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

SECTION 1. For the purpose of implementing the program set forth in Chapter 14 (commencing with Section 7450) of Division 6 of the Education Code, as amended at the 1967 Regular Session of the Legislature, whereby two or more districts through a joint powers agreement may establish a regional occupational center, the entity thereby created is not presently considered to be a school district wherein the classified employees of the entity and regional occupational

center may participate in the Public Employees' Retirement System under the county contract within each county of employment. The Legislature declares that employees of a regional occupational center, established under the provisions as cited above, shall be eligible for participation in the Public Employees' Retirement System. The Legislature further declares that it is in the best interest of the people of the State of California to include in the Public Employees' Retirement System employees of regional occupational centers.

SEC. 2. Section 20580.01 is added to the Government Code, to read:

20580.01. A regional occupational center established pursuant to Chapter 14 (commencing with Section 7450) of Division 6 of the Education Code by two or more school districts by a joint powers agreement shall be deemed a school district for purposes of this part. The board and the county superintendent of schools, upon the request of the governing body of any such center in the county, shall amend the contract entered into under this chapter to include the employees of such center who are not eligible to membership in the State Teachers' Retirement System Credit shall not be granted for any service in such employment prior to the effective date of the amendment; provided, however, that on the request of the governing body of the center, such amendment may provide that the membership of any person becoming a member in such employment on the effective date of the amendment shall be retroactive to the date of his entry into such employment. If the amendment provides for such retroactive membership, both the member and the center shall contribute to the fund for such period the amounts they would have contributed had the amendment been in effect on the date of the entry into employment.

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:

It is necessary that this act take effect immediately in order to enable classified employees of regional occupational centers, presently employed by such centers, to be eligible to participate in the Public Employees' Retirement System under the county superintendent of school's contract with the system, so that current employees may be retained and that new employees may be attracted.

CHAPTER 6

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 22, 1968. Filed with Secretary of State March 22, 1968.]

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

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.
Air pollution control districts
Airport districts
Assessment districts
Bridge and highway districts
California water district improvement districts
California water districts
Cemetery districts
Citrous pest control districts
City general improvement district improvement districts
City general improvement districts
City maintenance districts
Community service districts
Conservancy districts
County boards of education
County drainage districts
County fire protection districts
County maintenance districts
County power pumping districts
County sanitation districts
County service areas
County sewerage and water districts
County water agencies
County water authorities
County water district improvement districts
County water districts
County waterworks districts
Drainage districts
Fire protection districts
Flood control and water conservation districts

Flood control districts
Garbage and refuse disposal districts
Garbage disposal districts
Harbor districts
Harbor improvement districts
Highway districts
Highway interchange districts
Highway lighting districts
Horticultural protection districts
Horticultural development districts
Housing authorities
Irrigation district distribution districts
Irrigation district improvement districts
Irrigation districts
Joint harbor improvement districts
Joint highway districts
Joint municipal sewage disposal districts
Junior college districts
Levee districts
Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts
Municipal improvement district improvement districts
Municipal improvement districts
Municipal improvement assessment districts
Municipal port districts
Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind
Parking authorities
Parking districts
Park, recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts
Protection districts
Public cemetery districts
Public utility district improvement district
Public utility districts
Rapid transit authorities
Rapid transit districts
Reclamation districts
Recreational harbor districts
Recreation and park districts
Recreation, park and parkway districts
Redevelopment agencies
Regional park districts
Regional planning districts

Resort improvement districts
River port districts
Road districts
Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class
Separation of grade districts
Sewer maintenance districts
Soil conservation districts
Special transit service districts
Storm water districts
Transit districts
Unified air pollution control districts
Unified port districts
Urban renewal agencies
Vehicle parking districts
Veterans' memorial districts
Water agencies
Water authorities
Water conservation districts
Water districts
Water replenishment districts
Water storage district improvement districts
Water storage districts
Weed abatement districts
Zones of flood control districts
Zones of flood control and water conservation districts
Zones of county water agencies
Zones of county water authorities.

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body or for the consolidation, merger or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory or the consolidation, merger or dissolution of such public bodies.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All bonds of any public body heretofore awarded and sold to a purchaser and hereafter issued and delivered in accordance with the contract of sale and other proceedings for the award and sale shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued by ordinance, resolution, order or other action adopted or taken by or on behalf of the public body and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued at an election and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the consolidation, merger or dissolution of any public bodies, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the First Validating Act of 1968.

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:

The peace, health and safety of the citizens of the state require the orderly and unhampered functioning of public bodies and such functioning depends upon the validity of the organization, boundaries, and governing officers or boards of public bodies, and upon the validity of acts, proceedings, and bonds of public bodies, and it is therefore imperative and essential that such matters be validated so that during the period before this act would otherwise become effective:

(1) Citizens of the state can be afforded the protection of the police, fire, safety, sanitary, and other regulations and protections provided by public bodies;

(2) Public works and construction by public bodies can be commenced and continued without delay or restriction, to provide sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety, and immediately needed to provide for an increased population;

(3) Public bodies can issue and sell bonds heretofore authorized for the purpose of providing sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety and immediately needed to provide for an increased population, which cannot now be sold because of defects in the organization or boundaries of some public body or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 7

An act to amend Sections 35921 and 35922 of, and to add Sections 35923, 35924, 35925, 35926, and 35927 to, the Agricultural Code, relating to certified milk and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 25, 1968. Filed with Secretary of State March 25, 1968.]

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

SECTION 1. Section 35921 of the Agricultural Code is amended to read:

35921. Certified milk is market milk which conforms to the rules, regulations, methods, and standards for the production and distribution of certified milk adopted by the county milk commission established in a county pursuant to this article.

SEC. 2. Section 35922 of the Agricultural Code is amended to read:

35922. Certified milk shall bear the certification of a milk commission which shall be appointed as provided by this article by the board of supervisors in any county in which certified milk was produced on January 1, 1968. The board of supervisors of any other county may create a commission.

SEC. 3. Section 35923 is added to the Agricultural Code, to read:

35923. A county milk commission shall consist of five members who reside in the county where the commission is located and who shall be appointed by the board of supervisors for a term of four years and shall be eligible for reappointment. The members shall be appointed as follows:

(a) A physician who is a member of a county medical association organized under and approved by the Medical Society of the State of California.

(b) A physician nominated by the county health department.

(c) A veterinarian, who shall be a member of the county or regional veterinarian association.

(d) A physician nominated by a producer or producers of certified milk in the county.

(e) A physician nominated by the American Association of Medical Milk Commissions, Incorporated.

If no nomination is made by a group so authorized to nominate a member, the board of supervisors shall appoint a person who is a member of any of the designated organizations authorized to nominate members.

SEC. 4. Section 35924 is added to the Agricultural Code, to read:

35924. A county milk commission shall adopt rules, regulations, and standards governing the production, distribution, and sale of certified milk, including unpasteurized milk, as it deems necessary to protect public health and safety.

The rules, regulations, and standards adopted by a county milk commission shall conform as nearly as practicable to, or may be more restrictive than, the rules, regulations, and standards for the production, distribution, and sale of milk, including unpasteurized milk, adopted by the American Association of Medical Milk Commissions.

SEC. 5. Section 35925 is added to the Agricultural Code, to read:

35925. A county milk commission shall certify milk, including unpasteurized milk, for any applicant for certification whose milk complies with the rules, regulations, and standards for production, distribution and sale of milk adopted by the commission and prescribed in this code.

SEC. 6. Section 35926 is added to the Agricultural Code, to read:

35926. A county milk commission may establish such fees, and expend funds derived therefrom, as are reasonably necessary to defray the costs of certifying milk.

SEC. 7. Section 35927 is added to the Agricultural Code, to read:

35927. A county milk commission may conduct any tests that it finds are reasonably necessary to carry out the purposes of this article and may employ personnel to conduct such tests and for such other duties as the commission deems necessary.

All applicants for certification shall submit samples for testing when requested to do so by the commission.

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

In order for certified milk to continue to be available without substantial disruption and delay to consumers desiring to purchase such milk, this act must take effect immediately.

CHAPTER 8

An act making an appropriation for assistance to local agencies for care of crippled children.

[Approved by Governor March 25, 1968. Filed with Secretary of State March 25, 1968.]

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

SECTION 1. There is hereby appropriated from the General Fund to the Department of Public Health for services to physically handicapped children the sum of seven hundred fifty thousand dollars ($750,000) in augmentation of Item 277 of the Budget Act of 1967 for allocation to counties and cities and counties to be expended for services to physically handicapped children, including children diagnosed as suffering from phenylketonuria, in accordance with the provisions of Sections 249 through 271 of the Health and Safety Code, and the provisions of Item 277 of the Budget Act of 1967.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of Section 8 of Article IV of the Constitution of the State of California, take effect immediately.

CHAPTER 9

An act making an appropriation for acquisition of land for the establishment of a branch office of the Department of Motor Vehicles in the City of El Cerrito, California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 25, 1968 Filed with Secretary of State March 25, 1968]

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

SECTION 1. The sum of two hundred seventy-five thousand dollars ($275,000) is hereby appropriated from the Motor Vehicle Fund to the Department of Motor Vehicles for the acquisition of land for a branch office of the department in the City of El Cerrito. The appropriation made herein shall be subject to the provisions of the Property Acquisition Law.

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 branch office in the City of El Cerrito is urgently needed to permit proper enforcement of provisions of laws regulating vehicles on the highways of this state and to permit necessary maintenance of traffic safety in that portion of the San Francisco Bay area. This situation has been aggravated through the loss by fire of one of the offices in the East Bay area which will not be rebuilt because of the growth of other population centers in that area.

CHAPTER 10

An act to add Section 22201.6 to the Government Code, relating to election officials, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 29, 1968 Filed with Secretary of State March 29, 1968]

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

SECTION 1. Section 22201.6 is added to the Government Code, to read:

22201.6. The board shall execute a modification to the agreement in conformity with the applicable provisions of the Social Security Act and federal regulations to exclude from coverage all services of election workers and election officials who are paid less than fifty dollars ($50) in a calendar quarter for such services.

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

The earliest possible date this act may become effective under terms of the federal law is March 31, 1968. In order for the agreement to be modified prior to that date, this act must have immediate effect.

CHAPTER 11

An act to amend Section 1825 of the Welfare and Institutions Code, relating to state aid for probation services, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 2, 1968. Filed with Secretary of State April 3, 1968.]

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

SECTION 1. Section 1825 of the Welfare and Institutions Code is amended to read:

1825. (a) No county shall be entitled to receive any state funds provided by this article until its application is approved and unless and until the minimum standards prescribed by the Department of the Youth Authority are complied with and then only on such terms as are set forth hereafter in this section.

(b) A commitment rate for each county and for the state as a whole shall be calculated by the Department of Youth Authority by computing the ratio of new commitments to state and county population, expressed in a rate per hundred thousand population, for each of the calendar years 1959 through 1963. The average of these rates for a county for the five-year period or the average of the last two years of the period, whichever is higher, shall be the base rate for that county. The number of commitments shall be the total of the new commitments to the custody of the Director of the Youth Authority and the new criminal commitments to the custody of the Director of Corrections, as certified by the respective departments. The county and state population shall be that certified by the Department of Finance to the Controller as of July 1 of each year. Persons returned to the county and placed on probation under the provisions of Sections 1168 and 1203.03 of the Penal Code or by the Department of the Youth Authority under appropriate provisions of this code shall not be counted as having been committed for purposes of determining commitment rates under this subdivision or subdivision (c).

(c) An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for

the state as a whole in a like manner to that described in subdivision (b) using the population figure of the July 1 included in the year.

(d) The maximum amount that may be paid to a county pursuant to this article is determined by obtaining the dollar amount in the table in this subdivision for such county's base commitment rate and its percentage decrease in rate of commitment and multiplying that dollar amount by the "commitment reduction number." The "commitment reduction number" is obtained by subtracting (1) the product of the most recent annual commitment rate and population of the county for the same year from (2) the product of the base commitment rate and population of the county for the same year employed in (1). The Director of the Youth Authority, with approval of the Director of Finance may annually adjust the dollar amounts in the ensuing table to reflect changes in cost to the state of maintaining persons committed to the custody of the Director of Corrections and the Director of the Youth Authority, and if such adjustments are made, the adjusted amounts shall be employed in making the computation prescribed by this subdivision.

Per Capita Subsidy in Relation to Percentage Decrease
Base Commitment Rates/100,000
(Adult and Juvenile)

Percent of decrease from base rate	Less than 40 100,000	40–49 100,000	50–59 100,000	60–69 100,000	70–79 100,000	80–89 100,000	90 plus 100,000
1 percent__	2,400	2,285	2,180	2,135	2,105	2,085	2,080
2 percent__	2,800	2,570	2,360	2,265	2,210	2,175	2,160
3 percent__	3,200	2,855	2,545	2,400	2,315	2,260	2,240
4 percent__	3,600	3,145	2,725	2,535	2,420	2,350	2,320
5 percent__	4,000	3,430	2,910	2,665	2,525	2,435	2,400
6 percent__	4,000	3,715	3,090	2,800	2,630	2,520	2,480
7 percent__	4,000	4,000	3,275	2,935	2,735	2,610	2,560
8 percent__	4,000	4,000	3,455	3,065	2,840	2,695	2,640
9 percent__	4,000	4,000	3,635	3,200	2,945	2,785	2,720
10 percent__	4,000	4,000	3,820	3,335	3,055	2,870	2,800
11 percent__	4,000	4,000	4,000	3,465	3,160	2,955	2,880
12 percent__	4,000	4,000	4,000	3,600	3,265	3,045	2,960
13 percent__	4,000	4,000	4,000	3,735	3,370	3,130	3,040
14 percent__	4,000	4,000	4,000	3,865	3,475	3,215	3,120
15 percent__	4,000	4,000	4,000	4,000	3,580	3,305	3,200
16 percent__	4,000	4,000	4,000	4,000	3,685	3,390	3,280
17 percent__	4,000	4,000	4,000	4,000	3,790	3,480	3,360
18 percent__	4,000	4,000	4,000	4,000	3,895	3,565	3,440
19 percent__	4,000	4,000	4,000	4,000	4,000	3,650	3,520
20 percent__	4,000	4,000	4,000	4,000	4,000	3,740	3,600
21 percent__	4,000	4,000	4,000	4,000	4,000	3,825	3,680
22 percent__	4,000	4,000	4,000	4,000	4,000	3,915	3,760
23 percent__	4,000	4,000	4,000	4,000	4,000	4,000	3,840

24 percent--	4,000	4,000	4,000	4,000	4,000	4,000	3,920
25 percent--	4,000	4,000	4,000	4,000	4,000	4,000	4,000
Over 25 percent--	4,000	4,000	4,000	4,000	4,000	4,000	4,000

(e) The state will reimburse the county upon presentation of a valid claim based on actual performance in reducing the commitment rate from its base rate. Whenever a claim made by a county, pursuant to this article, covering a prior fiscal year, is found to be in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(f) If the amount received by a county in reimbursement of its expenditures in a fiscal year is less than the maximum amount computed under subdivision (d), the difference may be used in the next succeeding fiscal year and may be paid to the county in quarterly installments during such fiscal year upon preparation of valid claims for reimbursement of its quarterly expenses.

(g) In the event a participating county earns less than one-half of the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the Director of the Youth Authority with the approval of the Director of Finance, the Director of the Youth Authority may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

(h) Funds obtained under this article shall not be used to support existing programs or develop or expand new programs in juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of this code.

(i) Counties where the actual number of commitments in the base period as established by subdivision (b) is less than 30 may elect either to comply with the procedure set out above or, as an alternative, to receive from the state 90 percent of the salary of one full-time additional probation officer or, in the event there are fewer than 20 persons placed on probation annually otherwise eligible for commitment to state institutions, the county would be entitled to 90 percent of the salary of a half-time officer. In the event a county chooses the alternative proposal, it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and (1) if its base rate is below the state average, it does not on an annual basis exceed the base state rate, or (2) if its base rate is above the state average, it does not in the year exceed by 5 percent its own base rate.

SEC. 2. This act shall apply to amounts payable to counties for the 1966–67 fiscal year and all subsequent fiscal years.

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

To enable counties which were reimbursed less than the maximum allowable amount in fiscal year 1966–67, to continue "special supervision program" probation services in fiscal year 1967–68 it is necessary that this statute have immediate effect.

CHAPTER 12

An act to add Section 35003 to the Vehicle Code, relating to vehicle loads.

[Approved by Governor April 2, 1968. Filed with Secretary of State April 3, 1968.]

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

SECTION 1. Section 35003 is added to the Vehicle Code, to read:

35003. For the purpose of this division, booms, masts, machinery or other equipment which is not attendant to the efficient operation of the body of the vehicle but which may be attached to the body or chassis or connected with the driving mechanism, shall be regarded as a load.

CHAPTER 13

An act relating to junior college districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 2, 1968. Filed with Secretary of State April 3, 1968.]

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

SECTION 1. Notwithstanding the provisions of Section 21702 of the Education Code, the total amount of bonds issued by a junior college district which will be superseded by a new junior college district for all purposes on July 1, 1968, which new junior college district will embrace all the territory of the existing junior college district together with additional territory of three unified school districts, shall not exceed 5 percent of the taxable property of the junior college district as shown by the last equalized assessment roll of the county or counties in which the junior college district is located. The provisions of Section 17262 of the Education Code shall not be applicable to this section.

SEC. 2. This act shall have no force or effect after June 30, 1968.

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:

At least one junior college district, which is to be succeeded by a new junior college district formed under the optional reorganization provisions of the Education Code, finds that it does not have sufficient bonding capacity to sell bonds previously authorized by the voters to construct urgently needed junior college facilities by reason of an amendment to Section 17262 of the Education Code in the 1967 session of the Legislature. The successor junior college district will likewise be unable to sell all of the bonds previously authorized by the voters of the junior college district, thereby preventing utilization of the bond authorization approved by more than two-thirds of the voters of the original district. Unless this legislation takes effect immediately, neither the original junior college district nor the succeeding junior college district would be able to issue the bonds to provide the urgently needed funds.

CHAPTER 14

An act to add Section 21685.5 to the Public Utilities Code, relating to airport assistance funds.

[Approved by Governor April 4, 1968. Filed with Secretary of State April 4, 1968.]

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

SECTION 1. Section 21685.5 is added to the Public Utilities Code, to read:

21685.5. Notwithstanding the provisions of subdivision (a) of Section 21683 inasmuch as they require matching funds, the division shall pay, after the effective date of the addition of this section to this code, from the fund a sum of two thousand five hundred dollars ($2,500) annually to a county with a population of under 1,000, as determined by the last federal decennial census, for the purpose of constructing and maintaining an airport.

CHAPTER 15

An act to repeal Sections 462, 463, 14933, 23124, 33085, 34982, 34983, 55434 and 61938 of the Agricultural Code, relating to Department of Agriculture reports.

[Approved by Governor April 4, 1968 Filed with Secretary of State April 4, 1968.]

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

SECTION 1. Section 462 of the Agricultural Code is repealed.

SEC. 2. Section 463 of the Agricultural Code is repealed.

SEC. 3. Section 14933 of the Agricultural Code is repealed.

SEC. 4. Section 23124 of the Agricultural Code is repealed.

SEC. 5. Section 33085 of the Agricultural Code is repealed.

SEC. 6. Section 34982 of the Agricultural Code is repealed.

SEC. 7. Section 34983 of the Agricultural Code is repealed.

SEC. 8. Section 55434 of the Agricultural Code is repealed.

SEC. 9. Section 61938 of the Agricultural Code is repealed.

CHAPTER 16

An act making an appropriation for initial development of the Thermalito Forebay in the Oroville Reservoir State Recreation Area, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1968. Filed with Secretary of State April 4, 1968.]

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

SECTION 1. Of the amount appropriated by subdivision (w) of Item 338 of the Budget Act of 1965 (Chapter 757 of the Statutes of 1965), there is hereby appropriated to the Department of Parks and Recreation the sum of one hundred fifty-two thousand two hundred sixty-two dollars ($152,262), or so much thereof as may be necessary, to be expended by the department for capital outlay purposes for the initial development of the Thermalito Forebay Area in the Oroville State Recreation Area. This appropriation shall be available for encumbrance or expenditure without regard to fiscal years.

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

The Legislature has determined that the initial development, by the Department of Parks and Recreation, of facilities in the Thermalito Forebay Area of the Oroville State Recreation Area should be given a high relative priority, and that certain of the moneys previously appropriated for park and recreation development in the Oroville State Recreation Area are as yet unencumbered and available for such purposes. In order that urgently required initial capital development in the Thermalito Forebay Area can be undertaken as soon as practicable, and that previously appropriated moneys can immediately be made available for such purposes, it is essential that this act take effect immediately.

CHAPTER 17

An act to amend Section 11901 of, to repeal Sections 11902, 11931, 11933 and 11934 of, to amend and renumber Sections 11903, 11904, 11932 and 11935 of, to add Sections 11932 and 11933 to, and to amend the heading of Part 6.7 (commencing with Section 11901) of Division 2 of, and to add a new chapter heading immediately preceding Section 11901 of, the Revenue and Taxation Code, relating to a real property transfer tax, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 9, 1968 Filed with Secretary of State April 9, 1968]

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

SECTION 1. The heading of Part 6.7 (commencing with Section 11901) of Division 2 of the Revenue and Taxation Code is amended to read:

PART 6.7. DOCUMENTARY TRANSFER TAX ACT

SEC. 2. The following chapter heading is added to the Revenue and Taxation Code, immediately to precede Section 11901, to read:

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

SEC. 3. Section 11901 of the Revenue and Taxation Code is amended to read:

11901. This act is known and may be cited as the "Documentary Transfer Tax Act."

SEC. 4. Section 11902 of the Revenue and Taxation Code is repealed.

SEC. 5. Section 11903 of the Revenue and Taxation Code is amended and renumbered to read:

11902. "County" shall include a city and county.

SEC. 6. Section 11904 of the Revenue and Taxation Code is amended and renumbered to read:

11903. "Recorder" means the recorder of a county.

SEC. 7. Section 11931 of the Revenue and Taxation Code is repealed.

SEC. 8. Section 11932 of the Revenue and Taxation Code is amended and renumbered to read:

11931. If the legislative body of any city imposes a tax pursuant to subdivision (b) of Section 11911 equal to one-half the amount specified in subdivision (a) of Section 11911, the county in which such city is located shall grant a credit against the county tax in the amount of the city tax if the city's tax conforms to this part. The county shall collect all taxes imposed pursuant to this part and the county auditor shall allocate the proceeds as follows:

(1) All money which relates to transfers of real property located in unincorporated areas of the county or in a city and county shall be allocated to the county or city and county, as the case may be.

(2) All money which relates to transfers of real property located in a city which imposes a tax on transfers of real property pursuant to this part shall be allocated one-half to such city and one-half to the county.

(3) All money which relates to transfers of real property located in a city which imposes a tax on transfers of real property not in conformity with this part shall not be credited against the county tax and the entire amount collected by the county shall be allocated entirely to the county.

(4) All money which relates to transfers of real property in a city which does not impose a tax on transfers of real property shall be allocated entirely to the county.

SEC. 9. Section 11932 is added to the Revenue and Taxation Code, to read:

11932. If a county has imposed a tax pursuant to this part, every document subject to tax which is submitted for recordation shall show on the face of the document the amount of tax due and the incorporated or unincorporated location of the lands, tenements or other realty described in the document. If the party submitting the document for recordation so requests, the amount of tax due shall be shown on a separate paper which shall be affixed to the document by the recorder after the permanent record is made and before the original is returned as specified in Section 27321 of the Government Code.

SEC. 10. Section 11933 of the Revenue and Taxation Code is repealed.

SEC. 11. Section 11933 is added to the Revenue and Taxation Code, to read:

11933. If a county has imposed a tax pursuant to this part, the recorder shall not record any deed, instrument or writing subject to the tax imposed pursuant to this part, unless the tax

is paid. The recorder may rely on the amount of tax shown on the document or in a separate paper in compliance with Section 11932 as the amount of tax due. Failure to collect the tax due shall not affect the constructive notice otherwise imparted by recording a deed, instrument or writing.

SEC. 12. Section 11934 of the Revenue and Taxation Code is repealed.

SEC. 13. Section 11935 of the Revenue and Taxation Code is amended and renumbered to read:

11934. Claims for refunds of taxes imposed pursuant to this part shall be governed by the provisions of Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of this code.

SEC. 14. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

At the 1967 Regular Session of the Legislature, Chapter 1332 of the Statutes was enacted to authorize local government to impose a uniform real property transfer tax to take effect upon the repeal of the federal tax on such transfers. In conforming the state authorization to the federal law existing at that time, the Legislature specified that documentary stamps must be used to establish that the tax on real property transfers had been paid, as was the case under federal law. However, it has now been established that the use of such stamps by local government would be an unnecessary expense, as the same purpose may be carried out as expeditiously by following the terms of this act. In order to relieve local government of this unnecessary financial burden at the earliest possible date, it is necessary that this act go into immediate effect.

SEC. 15. The provisions of this act shall become operative on July 1, 1968.

CHAPTER 18

An act authorizing the Director of General Services to dispose of property belonging to the state, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 9, 1968. Filed with Secretary of State April 9, 1968.]

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

SECTION 1. The Director of General Services is hereby authorized to sell, exchange, lease, or otherwise dispose of, for current market value and upon such terms and conditions and with such reservations and exceptions as in his opinion may be for the best interest of the state, all or any part of the following real property:

The hospital grounds of the Stockton State Hospital North Area Facility situated between Pershing and Pacific Avenues in the City of Stockton, County of San Joaquin, containing approximately 165 acres.

SEC. 2. Any cost or expenses incurred in the disposition of such property shall be reimbursed from the proceeds of such disposition.

SEC. 3. Subject to Section 2 hereof any moneys received from the disposition of such property shall be paid into the General Fund.

SEC. 4. If the real property described in Section 1 is disposed of by exchange, any real property received by the director in such exchange shall be considered surplus real property and may be disposed of by the director in accordance with the provisions of this act.

SEC. 5. 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 prompt disposition, in the manner proposed, of the real property herein described is necessary to alleviate the urgent need for junior college facilities in San Joaquin County.

CHAPTER 19

An act to amend Sections 12701, 12741, and 12757 of the Business and Professions Code, relating to weighmasters.

[Approved by Governor April 9, 1968. Filed with Secretary of State April 9, 1968.]

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

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

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

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

(b) Producers of agricultural commodities or livestock, weighing commodities produced or purchased by them or by their producer neighbors, when no charge is made for such weighing, or no signed or initialed statement or memorandum is issued of the weight upon which a purchase or sale of the commodity is based; except that when such weight is to be

used by a processor as basis of payment there shall be no exception to the provisions of Section 12734.

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

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

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

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

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

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

SEC. 2. Section 12741 of the Business and Professions Code is amended to read:

12741. The following shall not be construed to be private weighmasters:

(a) Retailers weighing, measuring, or counting commodities for sale by them in retail stores in the presence of and directly to consumers.

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

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

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

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

SEC. 3. Section 12757 of the Business and Professions Code is amended to read:

12757. Certificates issued by private weighmasters shall contain the accurate and correct weight, measure, or count of any and all commodities or products weighed, measured, or counted.

Any private weighmaster who issues a private weighmaster's certificate without weighing, measuring, or counting the article or commodity or causing his deputy to weigh, measure,

or count the article or commodity, when permitted by regulations, or who issues a private weighmaster's certificate giving thereon a false weight, measure, or count of the commodity weighed, measured, or counted by him or his deputy, or any person who alters a private weighmaster's certificate, is guilty of a misdemeanor.

The department may declare the bond of any licensed weighmaster forfeited when such weighmaster has been found guilty of a violation of this section.

CHAPTER 20

An act to amend Section 29909 of the Government Code, relating to county bonds.

[Approved by Governor April 9, 1968. Filed with Secretary of State April 9, 1968.]

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

SECTION 1. Section 29909 of the Government Code is amended to read:

29909. The total amount of bonded indebtedness shall not at any time exceed 5 percent of the taxable property of the county as shown by the last equalized assessment roll. If water conservation, flood control, irrigation, reclamation, or drainage works, improvements, or purposes, or the construction of select county roads is included in any proposition submitted, the total amount of bonded indebtedness may exceed 5 percent but shall not exceed 15 percent of the taxable property of the county as shown by the last equalized assessment roll.

CHAPTER 21

An act to amend Section 13521 of the Education Code, relating to payment of salaries.

[Approved by Governor April 9, 1968. Filed with Secretary of State April 9, 1968.]

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

SECTION 1. Section 13521 of the Education Code is amended to read:

13521. Each salary payment for any calendar month may be made on the last working day of the month and shall be paid not earlier than the last working day of the month and not later than the fifth day of the succeeding calendar month except that teachers employed for less than full time in classes for adults, in a day or evening high school, in a day or

evening junior college, or in a special day or evening class maintained in connection with an elementary school may be paid on or before the 10th day of the succeeding calendar month.

If the school district provides for the payment of the salary of employees employed in positions requiring certification qualifications once each two weeks, twice a month, or once each four weeks, pursuant to Section 13517, each salary payment may be made on the last working day of the payroll period and shall be made not earlier than the last working day of the payroll period and not later than the eighth working day of the following payroll period.

This section shall not prohibit a school district from making a payment of earned salary prior to the last working day of the month or payroll period.

CHAPTER 22

An act to amend Section 11652 of the Water Code, relating to the Central Valley Project, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 9, 1968. Filed with Secretary of State April 9, 1968.]

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

SECTION 1. Section 11652 of the Water Code is amended to read:

11652. The governing body shall, whenever necessary, levy upon all property in the state agency not exempt from taxation, a tax or assessment sufficient to provide for all payments under the contract then due or to become due within the then current fiscal year or within the following fiscal year before the time when money will be available from the next general tax levy.

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:

That there is an urgent need for timely funding of contracts for the delivery of water and this act will prevent delays in the funding of the water projects and thus enable pressing water problems to be alleviated as quickly as possible.

CHAPTER 23

An act to amend Section 6902 of the Government Code, relating to vending stands for the blind, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 10, 1968 Filed with Secretary of State April 10, 1968]

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

SECTION 1. Section 6902 of the Government Code is amended to read:

6902. The Director of General Services may construct and install or permit the construction and installation of vending stands, snackbars and cafeterias in any building owned or occupied by the state for the Bureau of Vocational Rehabilitation for the use of blind persons licensed by the bureau. The amount of space allotted for this purpose shall be kept to the minimum space consistent with the number of persons to be served. The governing board of any county may also construct and install or permit the construction and installation of vending stands, snackbars and cafeterias for operation by blind persons licensed by the bureau in any building owned or occupied by the county. The governing board of any city may construct and install or permit the construction and installation of such vending stands, snackbars and cafeterias for operation by such blind persons licensed by the bureau in any building owned or occupied by the city. The governing board of any city and county may construct and install or permit the construction and installation of such vending stands, machines, and cafeterias for operation by such blind persons licensed by the bureau in any building owned or occupied by the city and county.

Any vending machine, which dispenses food and dairy products, placed on or after October 1, 1963, in a building owned or occupied by the state or by a county or city, may be assigned to a licensed blind operator in the building. If there is no licensed blind operator in the building, the profits from the vending machine may be assigned to the Bureau of Vocational Rehabilitation which shall cause such profits to be distributed among those operators who operate in marginal locations.

The amendment of this section made by the 1968 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

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

Certain counties have questioned their authority to conduct and install, or permit the construction or installation of, snack-

bars and cafeterias by contracting with the Bureau of Vocational Rehabilitation to provide a licensed blind person to operate these locations. These counties have buildings under construction that are nearing completion and which will contain snackbar and cafeteria facilities. In order to make it possible to enlarge the economic opportunities of trained and qualified blind persons, operating under the Bureau of Vocational Rehabilitation, it is necessary that this act go into immediate effect.

CHAPTER 24

An act to amend Section 17710 of the Education Code, relating to financial support for the public schools, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 10, 1968. Filed with Secretary of State April 10, 1968.]

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

SECTION 1. Section 17710 of the Education Code is amended to read:

17710. Whenever, subsequent to the date of formulation of the last equalized assessment roll in a county, the county superintendent of schools finds that the assessment equalizations conducted under Part 3 (commencing with Section 1601) of Division 1 of the Revenue and Taxation Code have resulted in a substantial reduction or increase in the assessed valuation of property of a school district as compared to that reported pursuant to Section 17701, the county auditor shall notify and furnish to the Superintendent of Public Instruction, on or before the 15th of April in the fiscal year, the corrected assessed valuation of property within the district. The Superintendent of Public Instruction shall utilize the corrected valuation amounts for purposes of making all computations prescribed by this article for the district for this fiscal year. Upon receipt thereof, the Superintendent of Public Instruction shall make the necessary revisions in all computations affecting the district made under this article.

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

In a number of school districts in the state assessment equalization proceedings conducted after the formulation of the last equalized assessment roll for counties for the 1967–1968 fiscal year have resulted in substantial reductions in the total of assessed valuation of property appearing on such rolls. As a result, local tax revenues accruing to the districts will be lower than anticipated. At the same time, State School Fund

foundation program support allowances will be computed utilizing the higher assessed valuation levels appearing on the last equalized assessment roll, with the result that amounts allowed will not reflect the true state of local support resources for the year. In order that the urgently needed financial relief provided for affected school districts by this act may be availed of during the 1967–1968 fiscal year, it is essential that this act take effect immediately.

CHAPTER 25

An act to amend Section 20704 of the Education Code, relating to school district taxes.

[Approved by Governor April 10, 1968. Filed with Secretary of State April 10, 1968.]

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

SECTION 1. Section 20704 of the Education Code is amended to read:

20704. The board of supervisors shall determine the rate of district tax necessary to be levied as follows:

(a) They shall divide the amount of taxes as required to be raised by the unequalized value of the secured roll of the last assessment roll of the district after due allowance for delinquencies. The rate shall be such as will produce the amount determined as necessary to be raised by taxation on the secured roll.

(b) Except in counties that distribute property taxes according to Chapter 3 (commencing with Section 4701) of Part 8 of Division 1 of the Revenue and Taxation Code, the allowance for delinquencies shall be fixed by determining for the last three preceding years the percentage that the combined amounts of taxes uncollected at the end of each year bear to the total amount of taxes levied for those years.

(c) In counties that distribute property taxes according to Chapter 3 (commencing with Section 4701) of Part 8 of Division 1 of the Revenue and Taxation Code, an allowance for subsequent additions, cancellations, and corrections affecting the tax roll shall be fixed by determining for the last three preceding years the percentage that the combined amounts of such items at the end of each year bear to the total amount of taxes levied for those years.

An allowance for delinquencies may be fixed for which the maximum limit is established by determining for the last three preceding years the percentage that the combined amounts of all county levied uncollected taxes at the end of each year bears to the amount of all county levied taxes for those years.

SEC. 2. This act shall become operative on November 1, 1968.

CHAPTER 26

An act to amend Sections 53651 and 53843 of the Government Code, relating to county fiscal affairs.

[Approved by Governor April 10, 1968. Filed with Secretary of State April 10, 1968.]

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

SECTION 1. Section 53651 of the Government Code is amended to read:

53651. To secure active or inactive deposits, the depositary shall deposit with the Treasurer:

(a) United States Treasury notes, bonds, bills or certificates of indebtedness.

(b) Notes or bonds or any obligations of a local public agency (as defined in the United States Housing Act of 1949) or any obligations of a public housing agency (as defined in the United States Housing Act of 1937) for which the faith and credit of the United States are pledged for the payment of principal and interest.

(c) Bonds of this state or of any local agency or district of the State of California having the power, without limit as to rate or amount, to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such local agency or district, and in addition, revenue bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by such state, local agency or district or by a department, board, agency or authority thereof.

(d) Bonds of any public housing agency (as defined in the United States Housing Act of 1937, as amended) as are secured by a pledge of annual contributions under an annual contribution contract between such public housing agency and the Public Housing Administration if such contract shall contain the covenant by the Public Housing Administration which is authorized by subsection (b) of Section 22 of the United States Housing Act of 1937, as amended, and if the maximum sum and the maximum period specified in such contract pursuant to said subsection 22(b) shall not be less than the annual amount and the period for payment which are requisite to provide for the payment when due of all installments of principal and interest on such obligations.

(e) Registered warrants of this state.

(f) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, bonds or debentures of

the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, bonds, debentures and other obligations of the Federal National Mortgage Association established under the National Housing Act, as amended, and bonds of any federal home loan bank established under said act.

(g) Notes, tax anticipation warrants or other evidence of indebtedness issued pursuant to Article 7 (commencing with Section 53820), Article 7.5 (commencing with Section 53840) or Article 7.6 (commencing with Section 53850) of this Chapter 4.

SEC. 2. Section 53843 of the Government Code is amended to read:

53843. In any county which finds it necessary to borrow current operating requirements, as provided in the foregoing sections, the board of supervisors shall either:

(1) Advertise for bids by publication for two weeks in a newspaper of general circulation in the county, setting forth the date upon which the amount will be required, which shall be not less than three weeks following the date of the first publication, the amount required and the repayment date. Bids shall be opened at the time set forth in the notice which shall be during a regular meeting of the board; and the board, unless it rejects all bids, shall accept the bid which offers the loan to the county at the lowest net interest cost not in excess of 6 percent, or

(2) After finding that time is of the essence, direct the county treasurer to negotiate for a loan to the county and to solicit and receive bids without advertising for them. The board of supervisors, unless it rejects all bids, shall accept the bid which offers the loan to the county at the lowest net interest cost not in excess of 6 percent.

CHAPTER 27

An act to repeal Section 6718 of the Welfare and Institutions Code, relating to mental health services funds.

[Approved by Governor April 10, 1968. Filed with Secretary of State April 10, 1968.]

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

SECTION 1. Section 6718 of the Welfare and Institutions Code is repealed.

CHAPTER 28

An act to amend Section 6713 of the Welfare and Institutions Code, relating to mental health.

[Approved by Governor April 10, 1968. Filed with Secretary of State April 10, 1968.]

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

SECTION 1. Section 6713 of the Welfare and Institutions Code is amended to read:

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 6710 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 29

An act to add Section 54931.4 to the Government Code, relating to fire protection districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 10, 1968. Filed with Secretary of State April 10, 1968.]

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

SECTION 1. Section 54931.4 is added to the Government Code, to read:

54931.4. Any annexation by a fire protection district shall be effective for assessment and taxation purposes for the 1968–69 fiscal year if the statement and map or plat required by Section 54900 is filed with the assessor and the State Board of Equalization on or before January 31, 1968, and the certificate of completion required by Section 56454 is filed with the Secretary of State on or before January 31, 1968.

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:

Unless this act takes effect immediately, a fire protection district which has recently annexed territory will not be able to levy taxes in the annexed territory for the 1968–69 fiscal year to cover the cost of fire protection services to be furnished the territory.

CHAPTER 30

An act to amend Section 55062 of, to repeal Chapter 3 (commencing with Section 54601) of Division 20 of, and to repeal Section 55063 of the Agricultural Code, relating to agricultural warehouses.

[Approved by Governor April 10, 1968. Filed with Secretary of State April 10, 1968.]

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

SECTION 1. Chapter 3 (commencing with Section 54601) of Division 20 of the Agricultural Code is repealed.

SEC. 2. Section 55062 of the Agricultural Code is amended to read:

55062. Each warehouseman shall pay a registration fee of ten dollars ($10) for each warehouse for each fiscal year or portion of a fiscal year beginning July 1st, but in no case shall the total of registration fees for one warehouseman exceed one hundred fifty dollars ($150) in any one fiscal year.

SEC. 3. Section 55063 of the Agricultural Code is repealed.

CHAPTER 31

An act to amend Sections 25681.1 and 38901 of the Government Code, relating to community development.

[Approved by Governor April 10, 1968. Filed with Secretary of State April 10, 1968.]

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

SECTION 1. Section 25681.1 of the Government Code is amended to read:

25681.1. A county may reclaim public and private lands therein by levees, bulkheads, breakwaters, fills, embankments, basins, drains, canals, excavations, sluices, pipes, watergates, pumping plants and all works and structures useful therefor. Such work is a local improvement and a county affair. The costs of reclamation shall be borne solely by the lands reclaimed.

This section shall not be construed as affecting any public district or public entity now or hereafter established and having similar powers.

On and after the effective date of this paragraph, the board of supervisors shall not authorize, either directly or indirectly, any project authorized by this section, until a financial feasibility report, containing the information specified in Sections 20042 and 20044 of the Water Code, has first been obtained from the California Districts Securities Commission. The board

shall consider such report prior to determining whether any securities shall be authorized but shall not be bound by the commission's findings.

The financial feasibility report required by this section shall be submitted by the commission to the board within 60 days after the commission's receipt of the request therefor, except that the commission, upon written request to the board, may be granted an extension of time to prepare the report, if the board finds that the extension is necessary. The board shall give written notice of its decision to the commission within seven days of receiving the request for extension. The notice shall specify the date of termination of any extension granted.

The cost of the financial feasibility report shall be a charge against the county. To the extent that private lands are reclaimed under this section, the county may recover from the owner of the private lands that proportion of the total charge attributable to the private lands. If securities are authorized and issued to finance any project authorized by this section, the cost of the feasibility report shall be deemed an incidental expense of the project and the county or owner, as the case may be, shall be repaid for the cost thereof from the proceeds of the sale of such securities.

SEC. 2. Section 38901 of the Government Code is amended to read:

38901. A city may reclaim public and private lands therein by levees, bulkheads, breakwaters, fills, embankments, basins, drains, canals, excavations, sluices, pipes, watergates, pumping plants, and all works and structures useful therefor. Such work is a local improvement and a municipal affair. The costs of reclamation shall be borne solely by the lands reclaimed.

This section shall not be construed as affecting any public district or public entity now or hereafter established and having similar powers.

On and after the effective date of this paragraph, the legislative body shall not authorize, either directly or indirectly, any project authorized by this section, until a financial feasibility report, containing the information specified in Sections 20042 and 20044 of the Water Code, has first been obtained from the California Districts Securities Commission. The legislative body shall consider such report prior to determining whether any securities shall be authorized but shall not be bound by the commission's findings.

The financial feasibility report required by this section shall be submitted by the commission to the legislative body within 60 days after the commission's receipt of the request therefor, except that the commission, upon written request to the legislative body, may be granted an extension of time to prepare the report, if the legislative body finds that the extension is necessary. The legislative body shall give written notice of its decision to the commission within seven days of receiving the

request for extension. The notice shall specify the date of termination of any extension granted.

The cost of the financial feasibility report shall be a charge against the city. To the extent that private lands are reclaimed under this section, the city may recover from the owner of the private lands that proportion of the total charge attributable to the private lands. If securities are authorized and issued to finance any project authorized by this section, the cost of the feasibility report shall be deemed an incidental expense of the project and the city or owner, as the case may be, shall be repaid for the cost thereof from the proceeds of the sale of such securities.

CHAPTER 32

An act to amend Section 33645 of the Health and Safety Code, relating to redevelopment bonds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 10, 1968. Filed with Secretary of State April 10, 1968.]

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

SECTION 1. Section 33645 of the Health and Safety Code is amended to read:

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

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

(b) The date the bonds shall bear.

(c) The maturity dates of the bonds.

(d) The rate or maximum rate of interest on the indebtedness, which shall not exceed 7 percent, and need not be recited if such rate does not exceed 4½ percent. Such interest shall be payable semiannually, except that interest for the first year after the date of the bonds may be made payable at the end of such year.

(e) The denomination of the bonds.

(f) Their form, either coupon or registered.

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

(h) The rank or priority of the bonds.

(i) The manner of their execution.

(j) The medium of payment.

(k) The place of payment.

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

SEC. 2. The amendment to Section 33645 of the Health and Safety Code made by Section 1 of this act shall be applicable to bonds of a redevelopment agency which have been authorized by the agency prior to the effective date of this act but which have not been issued prior to such date.

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 small demand for bonds makes it exceedingly difficult to sell bonds at the present rates of interest. Redevelopment projects have been started which are necessary for the public health and safety but cannot be completed until bonds necessary to finance the projects are sold. It is therefore, imperative that this act which would increase the maximum permissible rate of interest on such bonds take effect immediately.

CHAPTER 33

An act to amend Sections 22841, 22845, 22847, and 22848 of, and to add Section 22846.5 to, the Water Code, relating to irrigation districts.

[Approved by Governor April 15, 1968. Filed with Secretary of State April 15, 1968.]

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

SECTION 1. Section 22844 of the Water Code is amended to read:

22844. The board shall:

(a) Elect an assessor and a collector, and on and after 12 p.m. on December 31, 1971, elect a treasurer, each of whom shall hold office at the pleasure of the board.

(b) Fix and alter their respective compensations.

SEC. 2. Section 22845 of the Water Code is amended to read:

22845. The treasurer, assessor, and collector shall each qualify by taking and filing with the secretary the oath of office and shall give a bond to the district as required by the board.

SEC. 3. Section 22846.5 is added to the Water Code, to read:

22846.5. The bond of the treasurer shall be in a sum determined pursuant to the provisions of Article 3 (commencing with Section 21140) of Chapter 1 of Part 3 of this division.

SEC. 4. Section 22847 of the Water Code is amended to read:

22847. The board may:

(a) Appoint one person to hold the offices of assessor, treasurer, and collector.

(b) Segregate the offices and appoint a person to fill each office.

SEC. 5. Section 22848 of the Water Code is amended to read:

22848. The same person may hold the office of general manager, secretary, treasurer, assessor, and collector, or any of those offices.

CHAPTER 34

An act to amend Section 3100 of the Education Code, relating to school district organization, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 15, 1968. Filed with Secretary of State April 15, 1968.]

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

SECTION 1. Section 3100 of the Education Code is amended to read:

3100. It is the intent and purpose of the Legislature that the procedures prescribed by the provisions of this chapter and Chapter 9 (commencing with Section 3001) of this division be utilized primarily for the formation of unified school districts maintaining grades kindergarten or 1 through 12, and that this form of organization be ultimately adopted throughout the state. It is the further intent of the Legislature that in exercising the authority to approve master plans and plans and recommendations developed at the local level, the State Board of Education consider the boundaries of existing high school districts as the minimum geographical base for the organization of individual unified school districts, to be deviated from only in exceptional situations. The State Board of Education may approve proposals for the formation of districts based upon the division of the territory of existing high school districts, provided that the board has determined, with respect to the proposal and the resulting new districts that all of the following conditions are met:

(a) That the new districts will be adequate in terms of number of pupils enrolled, having a projected average daily attendance of at least 10,000 by the beginning of the seventh fiscal year following the date that any such new district became effect for all purposes.

(b) That the new districts will be adequate in terms of financial ability. For purposes of determining financial ability, the board shall consider assessed valuations per pupil. In addition, solely for purposes of evaluating proposals pursuant to this section with reference to adequacy of districts in terms of financial ability, the board may, in conjunction with assessed valuations per pupil, give such consideration as it deems appropriate to federal funds received by a school district under the act of Congress entitled "An act to provide financial assistance for local educational agencies in areas affected by federal activities, and for other purposes," approved September 30, 1950 (Public Law 874—81st Congress) or under

any similar act of Congress. The board shall not approve of the formation of districts by division of the territory of existing high school districts, where the assessed valuation per pupil in kindergarten and grades 1 through 12, inclusive, in any of the new districts varies from the average assessed valuation per pupil in all of the territory of which the new districts are comprised by more than 10 percent.

(c) That the new districts are each organized on the basis of a substantial community identity.

(d) That the proposal will result in an equitable division of property and facilities of the original district.

(e) That the proposal and the formation of the new districts will not promote racial or ethnic discrimination or segregation. The State Board of Education may secure the advice and assistance of any other public agencies concerned with intergroup relationships for purposes of making determinations under this subdivision.

The board may require that proposals combine the area of existing high school districts, with respect to any proposed new or reorganized districts which would not meet the requirements prescribed by Section 17672 or come within the exceptions prescribed by Section 17673.

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

A number of unification proposals are pending before the State Board of Education which cannot meet the present restrictive standards relating to financial ability of proposed new districts. These unification proposals are desirable and in order that such proposals be approved by the State Board of Education at the earliest time, it is necessary that the present restrictive standards relating to financial ability of proposed new districts be revised. Therefore, it is necessary that this act take immediate effect.

CHAPTER 35

An act to amend Section 25541.7 of the Education Code, relating to junior colleges, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 15, 1968. Filed with Secretary of State April 15, 1968.]

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

SECTION 1. Section 25541.7 of the Education Code is amended to read:

25541.7. (a) The increases in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the

end of the fifth consecutive fiscal year following the date of the first election at which the first district bond issue for junior college purposes is passed, in junior college districts in which such fifth consecutive year expires on July 1, 1969.

(b) The increases in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the end of the fourth consecutive fiscal year following the date of the first election at which the first district bond issue for junior college purposes is passed, in junior college districts in which such fourth consecutive fiscal year expires on July 1, 1970.

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

In order that the urgently needed extensions in the operative period of the increases in maximum junior college district tax rate afforded by this act will be in effect on or before the commencement of the 1968–69 fiscal year, in order that district budgets and other fiscal proceedings may be prepared and conducted accordingly, it is essential that this act take effect immediately.

CHAPTER 36

An act to add Section 15712.5 to the Elections Code, relating to sample ballots, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 18, 1968. Filed with Secretary of State April 18, 1968.]

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

SECTION 1. Section 15712.5 is added to the Elections Code, to read:

15712.5. Where the official ballot will consist of one or more individual ballot cards upon which the names of candidates and measures are printed, said ballot cards to be voted by the voter, the sample ballot provided in Chapter 1 (commencing with Section 10000) of Division 7 of this code may be printed on one or more sheets of white or tinted paper and shall be a substantial facsimile of the ballot, including instructions to voters, and need not be printed in booklet form.

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:

Elections are to be held June 4, 1968 and provision must be made for sample ballots to be issued in those counties using one or more ballot cards for punchcard voting.

CHAPTER 37

An act to amend Section 20808 of the Education Code, relating to public school financing.

[Approved by Governor April 18, 1968. Filed with Secretary of State April 18, 1968.]

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

SECTION 1. Section 20808 of the Education Code is amended to read:

20808. (a) The maximum rate of any elementary or unified school district is, commencing with the fiscal year 1964–5, increased by an amount sufficient to produce the amount by which the cost during the current fiscal year, of tuition or of educating pupils in grades seven and eight, exceeds the cost during the current fiscal year of educating pupils in grades kindergarten or one through six maintained by the district, exclusive of all federal and state apportionments.

(b) The computations prescribed by subdivision (a) of this section shall be made on the basis of current estimates of cost and average daily attendance, pursuant to rules and regulations of the Superintendent of Public Instruction. The Superintendent of Public Instruction shall also, by rule and regulation, prescribe the accounting procedures and all other procedures to govern the fixing of district tax rates and the disposition of the additional tax revenues provided pursuant to this section.

Of the additional tax revenues provided pursuant to this section, there shall be expended by a school district during a fiscal year, no more than the actual additional cost during that fiscal year of educating pupils in grades seven and eight as computed for purposes of subdivision (a). If at the end of any fiscal year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following fiscal year for the payment of the obligations for which such tax revenues are afforded by this section and to offset such tax rate increase. If an elementary school district withdraws from a junior high school or a system of junior high schools pursuant to Sections 5625 to 5628, any such remaining unencumbered balance derived from the revenue of the increase in tax rate hereby provided may be transferred by resolution of the governing board of the elementary school district to the general fund. In the fiscal year following such transfer, the amount of such remaining unencumbered balance which is transferred to the general fund of the district shall be used to reduce the amount for which the maximum rate of school district tax may be increased pursuant to subdivision (a) of this section for the purposes of educating pupils in grades 7 and 8 in such elementary school district.

CHAPTER 38

An act to amend Section 25643 of the Government Code, relating to county tax levy exceptions.

[Approved by Governor April 18, 1968 Filed with Secretary of State April 18, 1968]

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

SECTION 1. Section 25643 of the Government Code is amended to read:

25643. The board of supervisors in any county which provides county funds for structural fire protection of areas in the county in incorporated or unincorporated territory shall at the time of levying county taxes for support of said function, except from the levy of any tax for said purpose all property within the limits of any incorporated city or any fire protection district in said county, which has petitioned the board of supervisors in writing for the exclusion of such property from the levy of taxes for such purpose, such petition to be supported by a resolution to be adopted by the governing body of such incorporated city or fire protection district finding that such incorporated city or fire protection district has an organized fire department in operation and existence which is at such time providing adequate structural fire protection to all property within such incorporated city or fire protection district, and that no additional benefit in fire protection is received or required by such property from structural fire protection given by the county.

Any petition to the board of supervisors to obtain the exemption provided in this section is sufficient to obtain the exemption in every year. If the board of supervisors determines that the incorporated city or fire protection district no longer satisfies the elements of the resolution filed with the petition, the exemption shall terminate and no exemption shall be granted until a new petition is presented.

CHAPTER 39

An act to add Sections 4834, 4835, 4836, 4837, 4838, and 4839 to the Health and Safety Code, relating to county sanitation districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 23, 1968 Filed with Secretary of State April 23, 1968]

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

SECTION 1. Section 4834 is added to the Health and Safety Code, to read:

4834. Territory already a part of a county sanitation district may be annexed to an improvement district of that county sanitation district under the procedure set forth in Sections 4835 to 4839, inclusive. Whenever territory is so annexed to an improvement district of a county sanitation district, the annexed territory shall be subject to all the liabilities and entitled to all the benefits of the improvement district.

SEC. 2. Section 4835 is added to the Health and Safety Code, to read:

4835. The district board shall adopt a resolution initiating proceedings for annexation pursuant to Section 4834, which resolution shall contain all the following:

(a) Set forth the exterior boundaries of the territory proposed for annexation.

(b) State that the territory will be benefitted by annexation to the improvement district.

(c) Fix a time, date, and place of hearing on the proposed annexation, which shall be not less than 15 days nor more than 60 days after the date of adoption of the resolution initiating proceedings.

(d) State that any interested person desiring to make written protest against such annexation shall do so by written communication, containing the signature and street address of the protestant, filed with the clerk of the district not later than the hour set for hearing.

SEC. 3. Section 4836 is added to the Health and Safety Code, to read:

4836. The clerk of the district shall give notice of the hearing by mailing a copy of such notice to all landowners owning land within the territory proposed to be annexed, and by publishing notice thereof in at least two successive issues, not more than 30 nor less than 10 days prior to the hearing, in a newspaper of general circulation published in the county.

SEC. 4. Section 4837 is added to the Health and Safety Code, to read:

4837. A majority protest shall be deemed to exist, and the proposed annexation shall be abandoned, if the district board shall find that written protests filed and not withdrawn prior to the conclusion of the hearing represent more than 50 percent of the assessed value of the land therein.

SEC. 5. Section 4838 is added to the Health and Safety Code, to read:

4838. At the hearing, all interested persons shall be given the opportunity to present evidence and testimony for or against the proposed annexation. Any person who shall have filed a written protest may withdraw the written protest at any time prior to the conclusion of the hearing.

If a majority protest shall not have been filed, the district board, not later than 30 days after the conclusion of the hearing, shall adopt a resolution making one of the following determinations:

(a) Disapproving the proposed annexation.

(b) Approving the proposed annexation.

(c) Approving the annexation, but excluding any lands which the board finds will not be benefitted by becoming a part of such improvement district.

SEC. 6. Section 4839 is added to the Health and Safety Code, to read:

4839. If the district board approves the proposed annexation, or approves the annexation but excludes any lands, a certified copy of the resolution of the district board, together with a map or plat of the new boundaries of the improvement district, shall be filed with the agencies designated in and as required by Sections 54900, 54901, and 54902 of the Government Code. Upon such filing, the annexation of the territory to the improvement district shall be effective.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Presently there is no provision in the law whereby territory which is already a part of a county sanitation district may be annexed to an improvement district which is a part of that county sanitation district. In order that additional services which are necessary for the health and safety of the persons in such areas, but are not required for the entire district, may be provided without delay, it is imperative that the statute take effect immediately.

CHAPTER 40

An act to maintain the Agricultural Code by amending Section 46989, relating to agriculture.

[Approved by Governor April 23, 1968. Filed with Secretary of State April 23, 1968.]

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

SECTION 1. Section 46989 of the Agricultural Code is amended to read:

46989. Tangerines or mandarins shall be mature. Tangerines or mandarins are not mature unless the juice contains soluble solids equal to or in excess of $6\frac{1}{2}$ parts to every part of acid contained in the juice (the acidity of the juice to be calculated as citric acid without water of crystallization).

No tolerance shall be allowed in determining whether any lot of tangerines or mandarins comply with the maturity requirements set forth in this section.

CHAPTER 41

An act to amend Section 516 of the Welfare and Institutions Code, relating to unclaimed bicycles and toys.

[Approved by Governor April 23, 1968. Filed with Secretary of State April 23, 1968.]

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

SECTION 1. Section 516 of the Welfare and Institutions Code is amended to read:

516. The board of supervisors may by ordinance provide that any bicycles or toys, or both, in the possession of the sheriff of any such county which have been unclaimed for a period of at least three months may, instead of being sold at public auction to the highest bidder pursuant to the provisions of Section 2080.5 of the Civil Code, be turned over to the probation officer or to the welfare department of such county for use in any program of activities designed to prevent juvenile delinquency.

CHAPTER 42

An act to amend Section 16521 of the Education Code, relating to school districts.

[Approved by Governor April 23, 1968. Filed with Secretary of State April 23, 1968.]

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

SECTION 1. Section 16521 of the Education Code is amended to read:

16521. The governing board of a school district may pay in advance for postage stamps, permits and services provided by other governmental agencies, subscriptions to, or purchases or rentals of, newspapers, magazines, periodicals, single copies of books, films, filmstrips, recordings, and other publications for the district and the schools thereof when such action will result in a decrease in the cost to the district or which cannot be secured without payment in advance.

CHAPTER 43

An act to add Section 456.6 to the Elections Code, relating to voter registration.

[Approved by Governor April 25, 1968. Filed with Secretary of State April 25, 1968.]

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

SECTION 1. Section 456.6 is added to the Elections Code, to read:

456.6. If the county clerk does not maintain tabulating cards containing the information set forth in the affidavits of registration of voters, nor sets forth that information on electronic data-processing tape, he shall forward to the Secretary of State one copy of the index of registered voters at each of the following times:

(a) Not less than 30 days prior to the primary election.

(b) Not less than 30 days prior to the general election.

(c) Immediately following the cancellation of affidavits of registration pursuant to Section 386.

The Secretary of State may make such information available to any person for election or governmental purposes as determined by the Secretary of State and under conditions prescribed by the Secretary of State.

CHAPTER 44

An act to amend Section 10012.5 of the Elections Code, relating to candidates' statements of qualifications.

[Approved by Governor April 25, 1968. Filed with Secretary of State April 25, 1968.]

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

SECTION 1. Section 10012.5 of the Elections Code is amended to read:

10012.5. Each candidate for elective office in any local agency, city, county, city and county or district may prepare a statement of qualifications on an appropriate form provided by the clerk. Such statement may include the name, age, occupation, and education of the candidate and a brief description of no more than 150 words, of the candidate's qualifications expressed by the candidate himself. Such statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. Such statement shall be filed in the office of the clerk when his nomination papers are returned for filing and may be withdrawn, but not changed, during the period for filing nomination papers and

until 5 p.m. of the next working day after the close of the nomination period.

The clerk shall send to each voter together with the sample ballot, a voter's pamphlet which contains the written statements of each candidate's qualifications that is prepared pursuant to this section.

The local agency may bill each candidate availing himself of this service a sum not greater than the actual prorated costs of printing and handling incurred by the agency as a result of providing this service. Only these charges may be levied and each candidate using this service shall be charged the same.

The clerk shall reject any statement which contains any obscene, vulgar, profane, scandalous, libelous or defamatory matter, or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group of persons by reason of race, color, religion or manner of worship, or any language or matter the circulation of which through the mails is prohibited by Congress.

Nothing in this section shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the voter's pamphlet.

CHAPTER 45

An act to repeal the Santa Clara-Alameda-San Benito Water Authority Act (Chapter 1289 of the Statutes of 1955), relating to the Santa Clara-Alameda-San Benito Water Authority.

[Approved by Governor April 25, 1968 Filed with Secretary of State April 25, 1968]

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

SECTION 1. The Santa Clara-Alameda-San Benito Water Authority Act (Chapter 1289 of the Statutes of 1955) is repealed.

CHAPTER 46

An act to repeal Sections 4151, 4152, 4153, 4154, and 4462 of the Agricultural Code, relating to district agricultural associations.

[Approved by Governor April 25, 1968. Filed with Secretary of State April 25, 1968.]

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

SECTION 1. Section 4151 of the Agricultural Code is repealed.

SEC. 2. Section 4152 of the Agricultural Code is repealed.

SEC. 3. Section 4153 of the Agricultural Code is repealed.

SEC. 4. Section 4154 of the Agricultural Code is repealed.

SEC. 5. Section 4462 of the Agricultural Code is repealed.

CHAPTER 47

An act to maintain the Code of Civil Procedure by amending Section 200, relating to jurors.

[Approved by Governor April 25, 1968. Filed with Secretary of State April 25, 1968.]

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

SECTION 1. Section 200 of the Code of Civil Procedure is amended to read:

200. A person is exempt from liability to act as a juror if he be:

1. A Member of the Legislature of this state; a Member of the Congress of the United States; a judicial, civil, naval or military officer of the United States, or of this state, or a member of the armed forces of the United States, while on active duty;

2. A person holding a county, city and county, city, town or township office of profit;

3. An attorney at law, or the clerk, secretary, or stenographer of an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician, or practicing licensed dentist, practicing podiatrist, practicing chiropractor, or practicing registered optometrist, or druggist actually engaged in the business of dispensing medicines;

7. An officer, keeper or attendant of an almshouse, hospital, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this state;

10. An express agent, mail carrier, or a superintendent, employee, or operator of a telegraph or telephone company, doing a general telegraph or telephone business in this state, or keeper of a public ferry or tollgate;

11. An active member of the National Guard of California, or an active member of a paid fire department of any city and county, city, town or village in this state, or any exempt member of a duly authorized fire company;

12. A superintendent, engineer, fireman, brakeman, motorman, or conductor on a railroad;

13. A person drawn as a juror in any court of record in this state, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court, who has been discharged as a juror within a year as hereinafter provided; or a person who is incompetent under subdivision (d), (e), or (f) of the preceding section; provided, however, that in counties having less than 5,000 population the exemption provided by this subdivision shall not apply;

14. A practitioner who treats the sick by prayer in the practice of the religion of any well-recognized church or denomination, or a reader whose duty is to conduct regular religious services of such church or denomination; or,

15. A member of a religious order which is part of any well-recognized church or denomination who devotes his life to a cloistered contemplative existence.

CHAPTER 48

An act to maintain the Civil Code by amending Sections 1802.2, 1805.5, 3064, and 3081, and by repealing Section 1875, relating to obligations arising from particular transactions.

[Approved by Governor April 25, 1968. Filed with Secretary of State April 25, 1968.]

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

SECTION 1. Section 1802.2 of the Civil Code is amended to read:

1802.2. "Services" means work, labor and services, for other than a commercial or business use, including services furnished in connection with the sale or repair of goods as defined in Section 1802.1 or furnished in connection with the repair of motor vehicles or in connection with the improvement

of real property or the providing of insurance, but does not include the services of physicians or dentists, nor services for which the tariffs, rates, charges, costs or expenses, including in each instance the time sale price, are required by law to be filed with and approved by the federal government or any official, department, division, commission or agency of the United States.

SEC. 2. Section 1805.5 of the Civil Code is amended to read:

1805.5. No seller shall induce or permit any buyer to split up or divide any sales transaction for the purpose of contracting for or receiving a higher rate of time price differential than would otherwise be permitted by this article.

SEC. 3. Section 1875 of the Civil Code is repealed.

SEC. 4. Section 3064 of the Civil Code is amended to read:

3064. An action to enforce any lien created under Section 3062 may be brought in any county wherein any of the property subject thereto may be found, and the plaintiff is entitled to the remedies provided in Section 3065 upon complying with such section, which is hereby made applicable to the proceedings in such action.

SEC. 5. Section 3081 of the Civil Code is amended to read:

3081. Any corporation engaged in the business of renting to the public safe deposit boxes may dispose of the unclaimed contents of the safe deposit boxes in the manner set forth in Sections 1660 to 1679, inclusive, of the Financial Code.

CHAPTER 49

An act to amend Sections 39081, 39083, 39090, and 39091 of, and to add Section 39083.3 to, and to repeal Section 39087 of the Health and Safety Code, and to amend Sections 2814, 4000, 4000.1, 4750, 27156, 28500, 28502, 28506, 28508, and 40001 of the Vehicle Code, relating to air pollution, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 25, 1968. Filed with Secretary of State April 25, 1968.]

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

SECTION 1. Section 39081 of the Health and Safety Code is amended to read:

39081. (a) As used in this chapter the following terms shall be construed as defined in the Vehicle Code:

(1) Commercial vehicle
(2) Implement of husbandry
(3) Motor vehicle
(4) Motor-driven cycle
(5) Used vehicle
(6) Passenger vehicle

(b) As used in this chapter, "motor vehicle pollution control device" means equipment designed for installation on a motor vehicle for the purpose of reducing the pollutants emitted from the vehicle, or a system or engine modification on a motor vehicle which causes a reduction of pollutants emitted from the vehicle.

(c) As used in this chapter, "certified device" means a motor vehicle pollution control device for the control of emissions of pollutants from a vehicle, including, but not limited to, the exhaust system, the crankcase, the carburetor, and the fuel tank, for which standards have been set by the board, and for which a certificate of approval has been issued by the board. Whenever under this chapter or any other law a motor vehicle is required to be equipped with a certified device, such requirement refers to the certified device for the control of specified pollutants from the particular source involved; provided that no certified device shall be required for the control of emissions of any specified pollutant from a particular source unless the board has found the control of such emissions to be necessary and technologically feasible.

(d) Wherever the title "Motor Vehicle Pollution Control Board" is used in the law, it shall be deemed to mean, and be applicable to, the State Air Resources Board.

SEC. 2. Section 39083 of the Health and Safety Code is amended to read:

39083. The board shall have the powers and authority necessary to carry out the duties imposed on it by this chapter, including, but not limited to, the following:

(a) To adopt rules and regulations in accordance with the provisions of the Administrative Procedure Act (commencing with Section 11370 of the Government Code), necessary for proper execution of the powers and duties granted to, and imposed upon the board by this chapter.

(b) To employ such technical and other personnel as may be necessary for the performance of its powers and duties.

(c) To determine and publish the criteria for approval of motor vehicle pollution control devices. In determining the criteria the board shall take into consideration technological feasibility and economic costs, the cost of the device and its installation, its durability, the ease and facility of determining whether the device, when installed on a motor vehicle, is properly functioning, and any other factors which, in the opinion of the board, render such a device suitable or unsuitable for the control of motor vehicle air pollution or for the health, safety, and welfare of the public.

(d) To issue certificates of approval for any motor vehicle pollution control device where, after being tested by the board or tested and recommended by a laboratory designated by the board as an authorized vehicle pollution control testing laboratory, the board finds that the device operates within the standards set by the board and meets the criteria adopted under subdivision (c) of this section; provided that no cer-

tificate of approval shall be issued for any device required by subdivision (d) of Section 39090 of this code if:

(1) The cost of such device, including installation, is more than sixty-five dollars ($65);

(2) The annual maintenance cost of the device, including any adjustment necessary for its proper operation in order to meet the standards set pursuant to Section 426.5, is likely to exceed fifteen dollars ($15) a year; or

(3) The device does not equal or exceed the performance criteria established by the board for devices for new motor vehicles or, in the alternative, have an expected useful life of 50,000 miles of operation.

(e) To exempt from Article 2 (commencing with Section 39090) of this chapter motor vehicles whose emissions are found by appropriate tests to meet state standards without additional equipment, and motor-driven cycles, implements of husbandry, and vehicles which qualify for special license plates under Section 5004 of the Vehicle Code.

(f) To revoke, suspend, or restrict a certificate of approval previously issued or an exemption previously granted, upon a determination by the board that the device or motor vehicle no longer operates within the standards set by the board or no longer meets the criteria adopted under subdivision (c) of this section or no longer should be exempted. Provided that once any motor vehicle is equipped with a certified device it shall not thereafter be deemed to be in violation of this chapter or Section 27156 of the Vehicle Code because a certificate of approval for such device is subsequently revoked, suspended, or restricted, and replacement parts for such device may continue to be supplied and used for such vehicle, unless such revocation, suspension or restriction of a certificate of approval is based upon a finding that the certified device has been found to be unsafe in actual use or is otherwise mechanically defective, in which event such motor vehicle must be brought into compliance with this chapter within 30 days after such finding.

(g) Proceedings under this chapter with respect to the denial of applications for the issuance of certificates of approval or the granting of exemptions, or for the revocation, suspension, or restriction of certificates of approval previously issued, or exemptions previously granted, by the board shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and the board shall have all the powers granted therein.

SEC. 2.5. Section 39083.3 is added to the Health and Safety Code, to read:

39083 3. (a) The board shall not approve any motor vehicle pollution control device unless each motor vehicle tested with such device for purposes of such approval meets the emission standards set by the board pursuant to this chapter.

(b) The board shall not exempt motor vehicles without additional equipment pursuant to subdivision (e) of Section 39083, or find that motor vehicles meet state standards and board criteria without additional equipment pursuant to subdivision (i) of Section 39090, unless each motor vehicle tested for purposes of such exemption or finding, as the case may be, meets the emission standards set by the board pursuant to this chapter.

SEC. 3. Section 39087 of the Health and Safety Code is repealed.

SEC. 4. Section 39090 of the Health and Safety Code is amended to read:

39090. (a) No 1966 or later year model motor vehicle shall be registered in this state unless it is equipped with a certified device or devices to control emissions of pollutants for which emissions standards have been set. Every 1966 or later year model passenger vehicle, except motorcycles, subject to registration in this state, shall be equipped with a certified device or devices to control the emissions of pollutants for which emission standards have been set.

(b) On and after December 1, 1965, every motor vehicle of 1963 or later year model subject to registration in this state shall be equipped with a certified device to control the emission of pollutants from the crankcase.

(c) Every motor vehicle of 1955 through 1962 year model subject to registration in this state upon transfer of ownership and registration to an owner whose residence is in a county or portion of a county within an air pollution control district which may function and exercise its powers shall be equipped with a certified device to control the emission of pollutants from the crankcase.

(d) Every motor vehicle of 1955 through 1965 year model subject to registration in this state upon transfer of ownership and registration to an owner whose residence is in a county or portion of a county within an air pollution control district which may function and exercise its powers, shall be equipped with a certified device to control the emission of pollutants from the exhaust.

(e) The provisions of subdivisions (a), (b), (c), and (d) of this section shall not be applicable to any of the following:

(1) Any motor vehicle or class of motor vehicles exempted by the board.

(2) Any motor-driven cycle, implement of husbandry or vehicle which qualifies for special plates under Section 5004 of the Vehicle Code.

(f) The provisions of subdivisions (c) and (d) shall not be applicable in districts formed between January 1, 1964 and July 23, 1965.

(g) On and after December 1, 1966, every 1967 or later year model commercial motor vehicle under 6,001 pounds manufacturer's maximum gross vehicle weight rating, subject

to registration and first sold and registered in this state shall be equipped with a certified device or devices to control emission of pollutants from the crankcase and exhaust.

(h) On and after December 1, 1968, every 1969 or later year model truck, truck tractor, or bus, except those which are diesel-powered, subject to registration and first sold and registered in this state shall be equipped with a certified device or devices to control emission of pollutants from the crankcase and exhaust. Notwithstanding any other provision of this section or Section 39083, the board may only grant an exemption for not to exceed 1 percent of a manufacturer's truck, truck tractor and bus sales in California in the preceding model year.

(i) Motor vehicles found by the board to meet established state standards and board criteria without additional equipment are exempt from the provisions of this section.

(j) The provisions of subdivisions (c) and (d) of this section shall not be applicable to motor vehicles registered to an owner whose residence is in any county in which an air pollution control district may function and exercise its powers if (1) prior to the effective date of this section, the board of supervisors of the county has found that the equipment of motor vehicles with devices to control the emission of pollutants is unnecessary for the preservation of air quality in that county, and (2) no air pollution control district created pursuant to Chapter 2 (commencing with Section 24198) of Division 20 has ever been authorized to function and exercise its powers in any county adjacent to such county; nor shall such provisions be applicable to motor vehicles registered to an owner whose residence is in any county adjacent to such a county, which adjacent county is included within the boundaries of an air pollution control district created by special law to include the area of two or more counties, and in which county such air pollution control district created by special law may transact business and exercise its powers.

(k) The provisions of subdivisions (c) and (d) of this section shall not be applicable to motor vehicles registered to an owner whose residence is in an area, designated pursuant to this subdivision, of any county having an area in excess of 7,000 square miles in which an air pollution control district consisting of a single county may function and exercise its powers and within 60 days after the effective date of this section the board of supervisors of such county has classified the county into two areas because of substantial geographic and climatic differences between the two areas, and within 60 days after the effective date of this section the board of supervisors of the county has found that within one of such areas, designated by the board, the equipment of motor vehicles with devices to control the emission of pollutants is unnecessary for the preservation of air quality within that area.

SEC. 5. Section 39091 of the Health and Safety Code is amended to read:

39091. No new motor vehicle required pursuant to this chapter to be equipped with a certified device to control the emissions of pollutants for which emission standards have been set shall be sold in this state unless:

The manufacturer thereof has filed a certificate with the board within the preceding 12 months stating that new motor vehicles of that make, model, and year manufactured pursuant to dealers' orders for initial sale and registration in this state, will be equipped at the factory with certified devices as required by this chapter.

SEC. 6. Section 2814 of the Vehicle Code is amended to read:

2814. Every driver of a passenger vehicle shall stop and submit the vehicle to an inspection of the mechanical condition and equipment of the vehicle at any location where members of the California Highway Patrol are conducting tests and inspections of passenger vehicles and when signs are displayed requiring such stop.

The Commissioner of the California Highway Patrol may make and enforce regulations with respect to the issuance of stickers or other devices to be displayed upon passenger vehicles as evidence that the vehicles have been inspected and have been found to be in safe mechanical condition and equipped as required by this code and equipped with certified motor vehicle pollution control devices as required by Section 39090 of the Health and Safety Code which are correctly installed and in operating condition. Any sticker so issued shall be placed on the windshield within a five-inch square in the extreme lower left corner thereof with respect to the driver's position.

If, upon such an inspection of a passenger vehicle, it is found to be in unsafe mechanical condition or not equipped as required by this code and the provisions of Section 39090 of the Health and Safety Code, the provisions of Article 2 (commencing with Section 40150) of Chapter 1 of Division 17 of this code shall apply.

SEC. 7. Section 4000 of the Vehicle Code is amended to read:

4000. (a) No person shall drive, move, or leave standing any motor vehicle, trailer, semitrailer, pole or pipe dolly, logging dolly, or auxiliary dolly upon a highway unless it is registered and the appropriate fees have been paid under this code.

No person shall drive, move, or leave standing any motor vehicle upon a highway which has been registered in violation of Chapter 4 (commencing at Section 39080) of Division 26 of the Health and Safety Code.

(b) The provisions of this section shall not apply, following payment of fees due for registration, during such time that

registration and transfer is being withheld by the Department of Motor Vehicles pending the investigation of any use tax due under the provisions of the Revenue and Taxation Code.

(c) When a vehicle is towed by a tow car on order of a sheriff, marshal, or other official acting pursuant to a court order or an order of a peace officer acting pursuant to the provisions of Chapter 10 (commencing with Section 22650) of Division 11, the provisions of subdivision (a) of this section shall not apply.

SEC. 8. Section 4000.1 of the Vehicle Code is amended to read:

4000.1. (a) The department shall require, upon initial registration of any new motor vehicle in this state, proof of compliance by the manufacturer with Section 39091 of the Health and Safety Code.

(b) The department shall require upon transfer of ownership and registration of any motor vehicle subject to Section 39090 of the Health and Safety Code, a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a certified device or devices which are in proper operating condition and which are in compliance with the provisions of Chapter 4 (commencing with Section 39080) Part 1, of Division 26 of said code.

(c) The State Air Resources Board established under Chapter 2 (commencing with Section 39020) Part 1, of Division 26 of the Health and Safety Code may exempt designated classifications of motor vehicles from the provisions of subdivision (b) as they deem necessary, and shall notify the department of such action; provided, however, that no exemption shall be granted to those vehicles subject to the provisions of subdivision (h) of Section 39090 of the Health and Safety Code, except as provided therein.

SEC. 9. Section 4750 of the Vehicle Code is amended to read:

4750. The department shall refuse registration or renewal or transfer of registration upon any of the following grounds:

(a) That the application contains any false or fraudulent statement.

(b) That the required fee has not been paid.

(c) That the registration or renewal or transfer of registration is prohibited by the requirements of Chapter 4 (commencing at Section 39080) of Division 26 of the Health and Safety Code.

SEC. 10. Section 27156 of the Vehicle Code is amended to read:

27156. No person shall operate or leave standing upon any highway any motor vehicle which is required to be equipped with a certified motor vehicle pollution control device under Chapter 4 (commencing with Section 39080) of Division 26 of the Health and Safety Code unless the motor vehicle is equipped with a certified motor vehicle pollution control

device which is correctly installed and in operating condition. No person shall disconnect, modify, or alter any such device in a manner which will decrease its efficiency or effectiveness in the control of air pollution.

SEC. 11. Section 28500 of the Vehicle Code is amended to read:

28500. As used in this chapter:

(a) "Motor vehicle pollution control device" and "certified device" shall be construed as defined in Section 39081 of the Health and Safety Code.

(b) "Station" means a motor vehicle pollution control device installation and inspection station.

(c) "Licensed station" means a station licensed by the department pursuant to this chapter.

(d) "Licensed installer" means a person licensed by the department for installing, repairing, inspecting, or recharging motor vehicle pollution control devices in licensed stations.

SEC. 12. Section 28502 of the Vehicle Code is amended to read:

28502. (a) The department shall license stations and shall designate, furnish instructions to, develop regulations for, and supervise licensed stations for installing, repairing, inspecting, or recharging motor vehicle pollution control devices in conformity with the provisions of Chapter 4 (commencing with Section 39080) of Division 26 of the Health and Safety Code and the rules and regulations of the department. The department shall establish standards for the qualifications, including training, of licensed installers as a condition to designating and licensing the station as a licensed station.

An owner of a fleet of three or more vehicles may be licensed by the department as a licensed station, provided such owner complies with the regulations of the department.

(b) The department shall license, furnish instruction to, develop regulations for, and supervise licensed installers as a condition for installing, repairing, inspecting, or recharging motor vehicle pollution control devices in licensed stations.

SEC. 13. Section 28506 of the Vehicle Code is amended to read:

28506. Any person may install a motor vehicle pollution control device; however, no person who is not a licensed installer shall install such a device for compensation. No such device shall be deemed to meet the requirements of this code or of Chapter 4 (commencing with Section 39080) of Division 26 of the Health and Safety Code and the rules and regulations of the State Air Resources Board unless it has been inspected by a licensed installer in a licensed station and a certificate of compliance has been issued by such licensed station.

SEC. 14. Section 28508 of the Vehicle Code is amended to read:

28508. Whenever a licensed installer in a licensed station, in conformity with the instructions of the department,

installs, inspects, repairs, or recharges a motor vehicle pollution control device, and determines that the device conforms with the requirements of Chapter 4 (commencing with Section 39080) of Division 26 of the Health and Safety Code, and the rules and regulations of the Motor Vehicle Pollution Control Board or State Air Resources Board, a certificate of compliance shall be issued to the owner or driver of the vehicle. The department, for a fee of ten cents ($0.10), shall furnish to the licensed station the certificate of compliance to be issued.

The certificate of compliance shall contain provisions for the date of issuance; the make and registration number of the vehicle; the name of the owner of the vehicle; and the official designation of the station; and if the device involved was approved by the Motor Vehicle Pollution Control Board or State Air Resources Board by the issuance of a certificate of approval requiring the obtaining of an annual certificate of compliance, as authorized by Section 24386.2 of the Health and Safety Code, a statement that the certificate of compliance shall be valid only through the last day of the 12th month from the date of issuance.

The certificate of compliance shall be signed by a licensed installer who has installed, inspected, repaired, or recharged the motor vehicle pollution control device.

SEC. 15. Section 40001 of the Vehicle Code is amended to read:

40001. (a) It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to cause the operation of the vehicle upon a highway in any manner contrary to law.

(b) It is unlawful for an owner to request, cause, or permit the operation of any vehicle:

(1) Which is not registered or for which any fee has not been paid under this code.

(2) Which is not equipped as required in this code.

(3) Which does not comply with the size, weight, or load provisions of this code.

(4) Which does not comply with the regulations promulgated pursuant to this code, or with applicable city or county ordinances adopted pursuant to this code.

(5) Which is not in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Division 26 of the Health and Safety Code and the rules and regulations of the Motor Vehicle Pollution Control Board and the State Air Resources Board.

Whenever the owner or lessee is prosecuted for a violation pursuant to the provisions of this section the court may, on the request of the owner or lessee, take appropriate steps to make the driver of the vehicle, or any other person who directs the loading, maintenance or operation of the vehicle, a codefendant.

In the event such codefendant is held solely responsible and found guilty, the court may dismiss the charge against the owner or lessee.

SEC. 16. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is a need to clarify the law on air pollution with respect to the power of the State Air Resources Board so that the board may proceed immediately to apply and enforce those standards which it finds necessary and technologically feasible. It is necessary for the public health that suitable air pollution control devices be installed on motor vehicles so as to control the emission of air pollutants within the state.

CHAPTER 50

An act to add Section 268.6 to the Revenue and Taxation Code, relating to the welfare exemption, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 25, 1968 Filed with Secretary of State April 25, 1968]

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

SECTION 1. Section 268.6 is added to the Revenue and Taxation Code, to read:

268.6. For the purposes of Section 268 of the Revenue and Taxation Code, "property as to which the welfare exemption was available for any fiscal year commencing during the calendar year 1967" includes property owned by a nonprofit corporation which would otherwise qualify for the welfare exemption, except that at the lien date for that year its articles of incorporation did not provide that its property was irrevocably dedicated to religious, charitable, scientific or hospital purposes, and upon its liquidation, dissolution or abandonment would not inure to the benefit of any private person, except a fund, foundation or corporation organized and operated for charitable, scientific or hospital purposes, if the nonprofit corporation does all of the following:

(1) Files an affidavit with the assessor that its property was at that time and has been since then irrevocably dedicated to religious, charitable, scientific, or hospital purposes and upon liquidation, dissolution or abandonment of the owner would not inure to the benefit of any private person, except a fund, foundation or corporation organized and operated for religious, hospital, scientific or charitable purposes.

(2) Amended its articles of incorporation during the calendar year 1967 or prior to the first Monday in March, 1968, to

provide that its property is irrevocably dedicated to charitable, scientific or hospital purposes and upon liquidation, dissolution or abandonment of the owner, will not inure to the benefit of any private person, except a fund, foundation or corporation organized and operated for religious, charitable, scientific or hospital purposes.

This section shall remain in effect until one year after the effective date of the enactment of this section at the 1968 Regular Session of the Legislature and shall thereafter be of no force or effect.

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

Some organizations have inadvertently failed to amend their articles of incorporation to reflect their actual status, in support of the tax exemption of their property which is granted by the State Constitution, and as a result now are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the application of the exemption to such property. In doing so, the public policy of the state as expressed in the Constitution will be entirely fulfilled and the state as a whole will benefit.

CHAPTER 51

An act to amend Section 13187.1 of the Education Code, relating to credentials for service in the public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 30, 1968. Filed with Secretary of State April 30, 1968.]

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

SECTION 1. Section 13187.1 of the Education Code is amended to read:

13187.1. (a) A credential which was issued prior to January 1, 1964, shall remain in force as long as it is valid and continues to be valid under the law and regulations of the State Board of Education. The State Board of Education may not by regulation invalidate such valid credential unless it issues to the holder thereof, in substitution, a new credential authorized by other sections of this article of an equivalent type and which new credential is no less restrictive than the credential for which it is substituted with respect to the kind of service which it authorizes, and the grades or classes of types of schools in which it authorizes service.

(b) Subject to the provisions of Section 13172, credentials issued prior to January 1, 1964, and credentials issued under subdivision (c) of this section may be renewed in accordance with regulations of the State Board of Education in effect on December 31, 1963.

(c) The State Board of Education shall issue the appropriate credentials authorized by the law operative, and the rules and regulations of the State Board of Education in effect, on December 31, 1963, to any person who, on November 1, 1963, has completed two years of college and on November 1, 1963, was either enrolled in a teacher education curriculum at any institution of higher learning approved by the California State Board of Education, or was engaged in teaching in a foreign country, after such person has completed the requirements for such credential and if the person is otherwise qualified for such credential under the law and rules and regulations. No credential shall be issued under this subdivision after September 15, 1968. However, no person shall be denied the issuance of a prior regular credential if he holds a provisional credential authorized by Sections 13117, 13118, and 13119, and on November 1, 1963, is working toward meeting the requirements of that prior regular credential in accordance with State Board of Education regulations; nor shall any person who, on November 1, 1963, is working toward meeting the requirements of a prior regular credential and on that date is enrolled in a teacher education program, be denied the issuance of a prior credential if because of active military service since September 15, 1961, he was prevented from meeting the educational requirements of a prior regular credential.

(d) The State Board of Education shall issue the appropriate credential authorizing service in an administrative or supervisory position requiring certification qualifications authorized by the law operative, and the rules and regulations of the State Board of Education in effect, on December 31, 1963 to any person who, on that date, had completed all requirements for the credential and was otherwise qualified to receive the same under such laws, rules and regulations, and who has not previously been issued such credential. A credential so issued shall be subject to the provisions of subdivision (a) of this section, as though issued prior to January 1, 1964.

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

The complex nature of the statutory provisions relating to credential requirements has resulted in many cases of erroneous interpretations of law and poor advice to prospective teachers and to teachers seeking higher degrees and credentials. In many cases, due to erroneous interpretations of law and poor advice, individuals have neglected to avail themselves of the rights involved. In order to facilitate the desires of the teachers of this state to secure additional training and

education and to avail themselves of the rights involved, it is necessary that this act go into immediate effect.

CHAPTER 52

An act to amend Sections 29091, 29092, 29093 and 29095 of, and to repeal Sections 29094 and 29122 of, the Agricultural Code, relating to importation of bees.

[Approved by Governor April 30, 1968. Filed with Secretary of State April 30, 1968.]

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

SECTION 1. Section 29091 of the Agricultural Code is amended to read:

29091. Except as otherwise provided in Section 29092, it is unlawful for any person to import or transport into the state any comb, bees on comb, or any used hive, or used appliance, unless each separate load, lot, or shipment is accompanied by a valid certificate which is as prescribed by this article, and unless such certificate is delivered to the commissioner of the county of destination or to the director, if there is no commissioner in the county, within 72 hours after the arrival of the load, lot, or shipment.

SEC. 2. Section 29092 of the Agricultural Code is amended to read:

29092. A person may import or transport any of the following into the state without complying with the requirements which are prescribed by Section 29091:

(a) Queen bees.
(b) Packaged comb honey.
(c) Empty package bee cages.
(d) Moving screens.
(e) Bee smokers.
(f) Bee veils.
(g) Hive tools.
(h) Package bees.

SEC. 2.5. Section 29093 of the Agricultural Code is amended to read:

29093. The certificate required by Section 29091 shall be signed by the State Entomologist, State Apiary Inspector, or comparable officer in charge of apiary inspection for the state of origin and shall certify to all of the following facts:

(a) The name and address of the owner or shipper and the place of destination in this state.

(b) The number of hives, or nuclei which contain bees, the number of used hives either empty or containing comb, and a complete list of any other used beekeeping equipment in the shipment.

(c) The county and state of origin.

(d) The date on which inspection was last made of the apiary in which the bees, comb, used hives, and appliances originated.

(e) The total number of colonies in the apiary at the time of inspection, and the number of colonies found diseased.

(f) That all diseased colonies of bees found upon the inspection were destroyed, removed to a quarantine apiary, or removed to wax salvage prior to the issuance of the certificates.

SEC. 3. Section 29094 of the Agricultural Code is repealed.

SEC. 4. Section 29095 of the Agricultural Code is amended to read:

29095. Any shipment of bees on comb, used hives, or used appliances arriving in this state which is not accompanied by, where required by Section 29091, a valid certificate shall be refused entry and returned to the shipper or destroyed, at the option and expense of the owner or person in charge of the shipment.

SEC. 5. Section 29122 of the Agricultural Code is repealed.

CHAPTER 53

An act to amend Section 61626.5 of the Government Code, relating to community services districts.

[Approved by Governor April 30, 1968. Filed with Secretary of State April 30, 1968.]

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

SECTION 1. Section 61626.5 of the Government Code is amended to read as follows:

61626.5. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of three thousand dollars ($3,000) shall be let to the lowest bidder after competitive bidding. The board shall have the right to reject any and all bids, in which case the board may call for new bids. In the event no proposals are received or where the estimated cost of such work does not exceed the sum of three thousand dollars ($3,000) or where the work consists of emergency work necessary in order to protect life and property, the board of directors may have said work done by force account. The district shall have the power to purchase in the open market without calling for bids, materials and supplies for use in any work therewith either under contract, or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds three thousand dollars ($3,000), without calling for bids and awarding the contract therefor to the lowest responsible bidder.

CHAPTER 54

An act relative to the 1968 State Convention of the Republican Party of California, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 30, 1968. Filed with Secretary of State April 30, 1968.]

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

SECTION 1. Notwithstanding Section 9075 of the Elections Code, the 1968 State Convention of the Republican Party of California shall meet on August 24, 1968. In all other respects the convention shall be held as if it met in accordance with the provisions of Section 9075.

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

The Republican National Convention meets on August 5, 1968 and the participants from California must leave on August 3, 1968. If the State Convention of the Republican Party is held as required by Section 9075 of the Elections Code, it would be held on August 3, 1968. Since many persons participate in both events it is necessary to change the date of the state convention.

CHAPTER 55

An act to add Section 853.6a to the Penal Code and to amend Sections 562 and 563 of, and to add Section 564.5 to, the Welfare and Institutions Code, relating to juvenile proceedings.

[Approved by Governor April 30, 1968. Filed with Secretary of State April 30, 1968.]

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

SECTION 1. Section 853.6a is added to the Penal Code, to read:

853.6a. If the person arrested appears to be under the age of 18 years, and the arrest is for a violation of the Fish and Game Code not declared to be a felony, the notice under Section 853.6 shall instead provide that such person shall appear before the juvenile court, a juvenile court referee, or a juvenile traffic hearing officer within the county in which the offense charged is alleged to have been committed, and the officer shall instead, as soon as practicable, file the duplicate notice with, as the case may be, the clerk of the juvenile court, or the

juvenile court referee or juvenile traffic officer, before whom the person is required to appear by the notice.

SEC. 2. Section 562 of the Welfare and Institutions Code is amended to read:

562. Subject to the orders of the juvenile court, a traffic hearing officer may hear and dispose of any and all cases wherein a minor under the age of 18 years as of the date of the alleged offense is charged with any violation of the Vehicle Code not declared to be a felony, or a violation of the Fish and Game Code not declared to be a felony, or a violation of any of the equipment and registration provisions of the Harbors and Navigation Code, or a violation of any provision of an ordinance of a city or county relating to traffic offenses.

SEC. 3. Section 563 of the Welfare and Institutions Code is amended to read:

563. With the consent of the minor, a hearing before a traffic hearing officer or a hearing before a referee or a judge of the juvenile court wherein such minor is charged with such traffic offense may be conducted upon an exact legible copy of a written notice given pursuant to Article 2 (commencing with Section 40500) of Chapter 2 of Division 17 or Section 41103 of the Vehicle Code, or an exact legible copy of a written notice given pursuant to Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code when the offense charged is a violation of the Fish and Game Code not declared to be a felony, in lieu of a petition as provided in Article 7 of this chapter.

SEC. 4. Section 564.5 is added to the Welfare and Institutions Code, to read:

564.5. Upon a hearing conducted in accordance with Section 563, upon admission by the minor of the commission of a violation of the Fish and Game Code charged, or upon a finding that the minor did in fact commit such violation of the Fish and Game Code, the judge, referee, or traffic hearing officer may

(1) Reprimand the minor and take no further action, or

(2) Direct the probation officer to file a petition as provided for in Article 7 (commencing with Section 650) of this chapter, or

(3) Make any or all of the following orders:

(a) That the fish and game license involved be suspended or restricted,

(b) That the minor pay to the general fund of the county a sum, not to exceed twenty-five dollars ($25),

(c) That the minor work in a park or conservation area for a total of not to exceed eight hours over a period not to exceed 30 days, during times other than his hours of school attendance or employment.

The judge, referee, or traffic hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with.

CHAPTER 56

An act to amend Section 11395 of the Health and Safety Code, relating to physician's reports.

[Approved by Governor April 30, 1968. Filed with Secretary of State April 30, 1968.]

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

SECTION 1. Section 11395 of the Health and Safety Code is amended to read:

11395. The physician prescribing, furnishing, or administering any narcotic in the treatment of an addict for addiction shall within five days after the first treatment report by registered mail, over his signature, to the state division, stating the name and address of the patient, and the name and quantities of narcotics prescribed.

The report shall state the progress of the patient under the treatment.

The physician shall in the same manner further report on the 15th day of the treatment and on the 30th day of the treatment, and thereafter shall make such further reports as are requested in writing by the state division.

CHAPTER 57

An act to amend Sections 17065 and 17066 of the Agricultural Code, relating to estray animals.

[Approved by Governor April 30, 1968. Filed with Secretary of State April 30, 1968.]

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

SECTION 1. Section 17065 of the Agricultural Code is amended to read:

17065. If the owner is not found, and the estimated value of the animal exceeds one hundred twenty-five dollars ($125), the director shall cause a notice of the taking up of the animal to remain posted for a period of three weeks on a bulletin board in each office of the Bureau of Livestock Identification. In addition to posting the notice, the director shall cause the notice to be published once each week for three successive weeks in a local paper in the vicinity in which the estray animal is known to have originated, or if such origin is not known, then in the locality in which the animal is found.

SEC. 2. Section 17066 of the Agricultural Code is amended to read:

17066. If the estimated value of the animal is less than one hundred twenty-five dollars ($125) and a notice is posted for five days on a bulletin board in each office of the Bureau

of Livestock Identification, the director may cause the sale of the animal at a public sale and hold the proceeds as provided in Article 4 (commencing with Section 17091) of this chapter.

CHAPTER 58

An act to amend Section 930 of the Probate Code, relating to allowance for lost or destroyed vouchers.

[Approved by Governor April 30, 1968. Filed with Secretary of State April 30, 1968.]

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

SECTION 1. Section 930 of the Probate Code is amended to read:

930. If it is proven that vouchers for any disbursements have been lost or destroyed, that it is impossible to obtain duplicates, and that the items were paid in good faith and were legal charges against the estate, the executor or administrator shall be allowed such items. He may be allowed any item of expenditure not exceeding one hundred dollars ($100), for which no voucher is produced, if it is supported by his uncontradicted oath positive to the fact of payment, specifying when, where, and to whom it was made; but the total amount of such allowances in all his accounts must not exceed two thousand five hundred dollars ($2,500).

CHAPTER 59

An act to amend Section 13187 of the Education Code, relating to public school employment, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 30, 1968. Filed with Secretary of State April 30, 1968.]

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

SECTION 1. Section 13187 of the Education Code is amended to read:

13187. Except as otherwise provided in Sections 13187.1, 13117, 13118, 13119, 13271, 13185, 13149, 13150, 13151, 13152, 13197.5, and 13292, the State Board of Education shall, on and after the operative date of this article, issue only the following five types of credentials:

(a) A standard teaching credential with specializations in elementary teaching, secondary teaching, or junior college teaching.

(b) A standard designated subjects teaching credential.

(c) A standard designated services credential.
(d) A standard supervision credential.
(e) A standard administration credential.

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

In order to permit the issuance of teaching credentials now to greatly needed speech and hearing specialists and teachers of handicapped children for the impending school year, it is necessary that this act take effect immediately.

CHAPTER 60

An act to add Sections 1009.1, 1009.2, 1009.3, and 1009.4 to the Welfare and Institutions Code, relating to the Youth Authority, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 30, 1968. Filed with Secretary of State April 30, 1968.]

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

SECTION 1. Section 1009.1 is added to the Welfare and Institutions Code, to read:

1009.1. When, pursuant to Section 1009, money is received by the Department of the Youth Authority from private sources to defray the cost of transportation for the return of a nonresident committed to it and the nonresident is not returned or the money received exceeds the cost of such transportation, the department shall refund to such private sources such money or such excess money, as the case may be.

SEC. 2. Section 1009.2 is added to the Welfare and Institutions Code, to read:

1009.2. The fiscal officer of the Department of the Youth Authority shall make payment of any refund pursuant to Section 1009.1 if the Director of the Youth Authority prepares a voucher which sets forth the facts which pertain to the refund and authorizes its payment.

SEC. 3. Section 1009.3 is added to the Welfare and Institutions Code, to read:

1009.3. If any money which is to be refunded has been deposited in the State Treasury, the State Controller, upon receipt of a claim which is filed by the Department of the Youth Authority, shall draw his warrant for the payment of the refund from the fund to which the money was credited.

SEC. 4. Section 1009.4 is added to the Welfare and Institutions Code, to read:

1009.4. If the Director of the Youth Authority finds that the amount of any refund is less than three dollars ($3), he may retain such amount, unless demand for the payment of such refund is made within six months after the determination that a refund is due. If such demand is made, the refund shall be paid.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Money is currently being received by the Department of the Youth Authority from private sources to defray the cost of transportation for the return of a nonresident committed to it. It is vital that provision be made for the return of such money in whole or in part to such private sources in the event the nonresident is not returned or the money received exceeds the cost of such transportation to insure the continued financial participation of private sources for which the public will derive the maximum benefit.

CHAPTER 61

An act to add Section 12613.5 to the Business and Professions Code, relating to containers.

[Approved by Governor April 30, 1968. Filed with Secretary of State April 30, 1968.]

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

SECTION 1. Section 12613.5 is added to the Business and Professions Code, to read:

12613.5. If any provision of this chapter is less stringent or requires information different from any requirement of Section 4 of the act of Congress entitled "Fair Packaging and Labeling Act" (P.L. 89-755; 80 Stat. 1296; 15 U.S.C. 1451–1461) or of any regulation promulgated pursuant to such act, the provision shall be inoperative to the extent that it is less stringent or requires information different from any such federal requirement, in which event each such federal requirement is a part of this chapter.

CHAPTER 62

An act to add Section 25413.2 to the Education Code, relating to school district governing boards.

[Approved by Governor May 2, 1968. Filed with Secretary of State May 3, 1968.]

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

SECTION 1. Section 25413.2 is added to the Education Code, to read:

25413.2. It is the intent and purpose of the Legislature, by this section, to make more particular provision concerning the governing board membership status of the individuals who, pursuant to Section 25413.1, have on or before December 31, 1968, made the election to serve either as members of the city board of education or as members of the governing board of the junior college district.

If an individual whose term is to expire on June 30, 1971 elects to serve as a member of the governing board of the junior college district only, such act shall be deemed to have created a vacancy in his membership on the city board of education, but such individual shall, nevertheless, continue to serve as a member of the city board of education until June 30, 1969, as though appointed to fill the vacancy until that time. Subject to such limitation, the vacancy shall be filled as provided by law, or by or under authority of the city charter, whichever is controlling. The individual shall, after July 1, 1969, serve as a member of the governing board of the junior college district until the expiration of his term of office on June 30, 1971.

In 1969, at the same time and in the same manner as members of the city board of education are elected, an election shall be held in the junior college district to elect members of the junior college district governing board to fill the positions of the governing board members whose terms will expire on June 30, 1969, and the other governing board members, if any, whose terms will expire on June 30, 1971, and who have elected, pursuant to Section 25413.1, to serve as members of the city board of education only. Of the members elected to the governing board of the junior college district in the 1969 general election, those receiving the lowest numbers of votes shall be deemed to have been elected to the positions, if any, held by members whose terms would otherwise have expired on June 30, 1971, and who elected to serve on the city board of education only. The first term of office of any such newly elected member receiving such lower number of votes shall expire on June 30, 1971. The election shall be held throughout the junior college district, and the members elected to the junior college district governing board thereat shall be elected at large.

For purposes of Section 1225, the governing board of the junior college district shall assign office numbers 1, 3, 5, and 7 to members whose first terms of office will expire on June 30, 1971, and office numbers 2, 4, and 6 to members whose terms will expire on June 30, 1973.

CHAPTER 63

An act to amend Sections 10214, 10220, and 10228 of the Elections Code, relating to elections.

[Approved by Governor May 2, 1968. Filed with Secretary of State May 3, 1968.]

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

SECTION 1. Section 10214 of the Elections Code is amended to read:

10214. Except as provided in subdivision (d) of Section 16 of Article VI of the Constitution, each group of candidates to be voted on shall be headed by the designation of the office and the words "Vote for One" or "Vote for Two" or more, according to the number to be elected to that office. The designation of the office and of the number of candidates to be voted for shall be printed in heavy-faced gothic type, not smaller than 10-point. The word designating the office shall be printed flush with the left-hand margin and the words "Vote for One" or "Vote for Two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the directions for voting shall be separated from the names of the candidates by a light line. The names of the candidates for each office shall be printed in eight-point roman type (capitals) in proper order below the designation of the office.

If the office is a partisan office, in the same line in which the name of the candidate is printed and at the right of the name, or immediately below the name if there is not sufficient space to the right of the name, there shall be printed in eight-point roman type (lowercase) the designation of the political party or parties, which shall not be abbreviated, by or on behalf of which the candidate has been nominated, the first political party so designated being the party with which the candidate was affiliated on the date his nomination papers were filed, as ascertained by the Secretary of State from the candidate's affidavit of registration.

SEC. 2. Section 10220 of the Elections Code is amended to read:

10220. The left-hand side of each column of names on the ballot and the right-hand side of each column of voting squares shall be bordered by a broad printed line one-twelfth of an inch wide. Except as provided in subdivision (d) of Sec-

tion 16 of Article VI of the Constitution, the ballot shall be printed so as to give each voter a clear opportunity to designate his choice of particular candidates by stamping a cross (+) in a blank enclosed space, designated as the voting square, on the right of and after the name of each candidate whose name is printed on the ballot.

SEC. 3. Section 10228 of the Elections Code is amended to read:

10228. On the top of the face of the ballot shall be printed, in substantially the following form, such of the following directions as are applicable to the ballot:

INSTRUCTIONS TO VOTERS

To vote for a candidate of your selection for (here name the office on the ballot covered by the provisions of sudivision (d) of Section 16 of Article VI of the Constitution) stamp a cross (+) in the voting square after the word "Yes," to the right of the name of the candidate. To vote against that candidate, stamp a cross (+) in the voting square after the word "No," to the right of the name of that candidate.

To vote for any other candidate of your selection, stamp a cross (+) in the voting square next to the right of the name of that candidate. Where two or more candidates for the same office are to be elected, stamp a cross (+) after the names of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. To vote for a person not on the ballot, write his name under the title of the office in the blank space left for that purpose.

To vote on any measure, stamp a cross (+) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (+) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void.

If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another.

On absent voter ballots mark a cross (+) with pen or pencil.

CHAPTER 64

An act to maintain the Fish and Game Code by amending Sections 4185 and 12151.5, relating to fish and game.

[Approved by Governor May 2, 1968 Filed with Secretary of State May 3, 1968]

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

SECTION 1. Section 4185 of the Fish and Game Code is amended to read:

4185. In any district or part of a district within San Bernardino and Riverside Counties, bears may be taken at

any time with traps within a good and substantial fence, as such fence is described in Section 17121 of the Agricultural Code, surrounding beehives, if no part of such fence is at a distance greater than 50 yards from a beehive, and if a conspicuous sign is posted and maintained at each entrance to the enclosed premises to give warning of the presence of the traps. No iron or steel-jawed or any type of metal-jawed trap shall be used to take bear under this section.

SEC. 2. Section 12151.5 of the Fish and Game Code is amended to read:

12151.5. Any person who, while hunting, kills or wounds or witnesses the killing or wounding of any human being, or domestic animal belonging to another, shall, within 48 hours after the incident, forward a complete written report to the Department of Fish and Game, 1416 Ninth Street, Sacramento, California 95814, giving his full name and address and all facts relating to the incident.

CHAPTER 65

An act to maintain the Public Utilities Code by amending Sections 21690.1 and 21690.2, and repealing Sections 3511.1, 12106, and 21645 as added by Chapter 644 of the Statutes of 1965, and amending and renumbering Section 40035 as added to Article 3.5 of Chapter 2 of Part 4 of Division 10 of the Public Utilities Code, relating to public utilities.

[Approved by Governor May 2, 1968. Filed with Secretary of State May 3, 1968.]

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

SECTION 1. Section 3511.1 of the Public Utilities Code is repealed.

SEC. 2. Section 12106 of the Public Utilities Code is repealed.

SEC. 3. Section 21645 of the Public Utilities Code as added by Chapter 644, Statutes 1965 is repealed.

SEC. 4. Section 21690.1 of the Public Utilities Code is amended to read:

21690.1. Whenever any airport, for which payments have been made from the Airport Assistance Revolving Fund, ceases to be used as an airport open to the general public for a period in excess of one year, the city, county or airport district to which such payments were made shall pay to the state, which payments shall be deposited in the Airport Assistance Revolving Fund, an amount computed by the division. The amount shall equal the total of all payments made for such airport from the Airport Assistance Revolving Fund during the preceding 20 years less 5 percent of the amount of a particular payment multiplied by the number of years since

the payment was made; provided, that the provisions of this section shall not be applicable to an airport that is replaced by a comparable facility within a period of one year.

Any moneys derived from any payments provided for in this section shall not be available for expenditure unless appropriated.

SEC. 5. Section 21690.2 of the Public Utilities Code is amended to read:

21690.2. Effective July 1, 1967, no payments shall be made from the Airport Assistance Revolving Fund for expenditure on any airport or for the acquisition or development of any airport if the division determines that the airspace control and height restrictions in any airport hazard area of the airport is inadequate to provide reasonable assurance that the landing and taking off of aircraft at the airport will be conducted without obstruction or will be otherwise free from hazards. The airspace control provisions shall not be considered adequate unless as a minimum they comply with the requirements of the Federal Aviation Agency's Technical Standard Order N 18 or any corresponding rules or regulations of the Federal Aviation Agency are met.

This section shall not prevent or prohibit the division from assisting any city, county or airport district in planning airport development or in planning the zoning needs around an airport.

SEC. 6. Section 40035 as added to Article 3.5, Chapter 2, Part 4, Division 10 of the Public Utilities Code is amended and renumbered to read:

40034.5. The petition shall contain substantially the same declaration and statements required to be contained in the resolution adopted by the board of supervisors under this chapter and declare that, in the opinion of the city councils as petitioners, public interest or necessity demands the creation and maintenance of the transit district.

CHAPTER 66

An act to add Section 420.75 to the Government Code, relating to a State Nickname.

[Approved by Governor May 2, 1968. Filed with Secretary of State May 3, 1968.]

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

SECTION 1. Section 420.75 is added to the Government Code, to read:

420.75. "The Golden State" is the official State Nickname.

CHAPTER 67

An act to amend Section 12950 of the Corporations Code, and Section 24051 of the Financial Code, relating to nonprofit cooperative associations.

[Approved by Governor May 2, 1968. Filed with Secretary of State May 3, 1968.]

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

SECTION 1. Section 12950 of the Corporations Code is amended to read:

12950. Except as otherwise expressly provided in this chapter, no person, firm, individual, partnership, trust, domestic corporation, foreign corporation, or association shall adopt or use the word "cooperative" or any abbreviation or derivation thereof, or any word similar thereto, as part of the name or designation under which he does business in this state, nor conduct business or represent that business is conducted cooperatively, unless incorporated as provided in this part or as a nonprofit cooperative association under Chapter 1 of Division 20 of the Agricultural Code or under some other law of this state entitling him so to do; provided, however, that the foregoing prohibition shall be inapplicable to any housing cooperative, the financing of which is insured or guaranteed by the United States of America, one of its instrumentalities, or agencies, and which is certified by the Commissioner of the Federal Housing Administration as a consumer cooperative.

SEC. 2. Section 24051 of the Financial Code is amended to read:

24051. This division does not apply to the following:

(a) Any nonprofit cooperative association organized under Chapter 1 of Division 20, of the Agricultural Code, in loaning or advancing money in connection with any activity mentioned therein.

(b) Any corporation, association, syndicate, joint stock company, or partnership engaged exclusively in the business of marketing agricultural, horticultural, viticultural, dairy, livestock, poultry, or bee products on a cooperative nonprofit basis in loaning or advancing money to the members thereof or in connection with any such business.

(c) Any corporation securing money or credit from any federal intermediate credit bank organized and existing pursuant to the provisions of an act of Congress entitled "Agricultural Credits Act of 1923," in loaning or advancing money or credit so secured.

CHAPTER 68

An act to add Section 271.7 to the Revenue and Taxation Code, relating to tax exemptions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 2, 1968. Filed with Secretary of State May 3, 1968.]

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

SECTION 1. Section 271.7 is added to the Revenue and Taxation Code, to read:

271.7. Any tax or penalty, or interest thereon, for any fiscal year commencing during the calendar year 1967 on property owned by any organization qualified for the welfare exemption pursuant to Section 214 which was acquired by it during that calendar year after the lien date in that year but prior to the commencement of such fiscal year, and of a kind that presently qualifies for the welfare exemption and that would have so qualified for such fiscal year had it been owned by such organization on such lien date, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected. Any cancellation or refund made pursuant to this section shall be made notwithstanding any limitation upon the time within which such cancellation or refund could otherwise be made.

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:

Some organizations qualified for the welfare exemption pursuant to Section 214 purchased property during the 1967 calendar year, after the lien date for that year, which property was taxed for the fiscal year 1967–68, although it would have been exempt from taxation for that year by reason of the welfare exemption had it been acquired prior to such lien date. If required to meet such tax obligation, the ability of such organizations to function effectively will be seriously impaired to the great detriment of our state. This act will remedy that situation, and in so doing, the public policy of the state for the exemption of property owned by welfare organizations, as expressed in Section 1c of Article XIII of the Constitution, will be subserved and the state as a whole will benefit.

CHAPTER 69

An act to add Chapter 5 (commencing with Section 16500) to Part 4 of Division 9 of the Welfare and Institutions Code, relating to state protective services for children.

[Approved by Governor May 2, 1968. Filed with Secretary of State May 3, 1968.]

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

SECTION 1. Chapter 5 (commencing with Section 16500) is added to Part 4 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 5. STATE PROTECTIVE SERVICES FOR CHILDREN

16500. The state, through the State Department of Social Welfare and county welfare departments, shall establish and support a public system of statewide child protective services to be developed as rapidly as possible and to be available in each county of the state. All counties or combinations of counties shall establish specialized units of protective services for children.

16501. As used in this chapter, child protective services shall include casework and related services designed to forestall or reduce the need for action by law enforcement agencies, probation departments and courts, and to render these services in behalf of children who are without parents, proper guardianship, or custody, or who are being neglected or whose general welfare is being damaged by the conduct of parents, guardians, or custodians, whether willfully or otherwise.

A child protective services program shall receive any referral or complaint from a public or private agency or from any person having reasonable cause to know that the welfare of a child is endangered, and shall take such actions as are considered necessary to protect the child and correct the situation, including but not limited to:

(a) Social services to children, parent, parents, or guardian.

(b) Financial assistance as may be required, within the scope of this code.

(c) Alternate care of the child if care outside the home is required, such as institutional care, foster care, and day care.

(d) Referral to law enforcement agency for investigation.

16502. The child protective services authorized by this chapter shall be established in any county or combination of counties when a plan which includes financing of such services has been certified by the department. Such certified plan of child protective services shall then be operated in accordance with standards and regulations established by the department, subject to all the provisions of this code relating to the supervision of public social services by the department.

16502.5. As used in this chapter, "child protective services" means public social services which supplement, or substitute for, parental care and supervision for the purpose of preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children, protecting and caring for homeless, dependent, or neglected children, protecting and promoting the welfare of children of working mothers, and otherwise protecting and promoting the welfare of children, including the strengthening of their own homes where possible or, where needed, the provision of adequate care of children away from their homes in foster family homes or day-care or other child-care facilities.

16503. As used in this chapter, "the department" means the State Department of Social Welfare.

16504. Protective services shall be extended to every child in need of protection, regardless of family income.

16505. The services offered to families under this program shall be voluntary.

16506. This chapter shall not be construed to give the department or county welfare departments any law enforcement powers.

Nothing in this chapter shall be construed in such a manner as to give the department any law enforcement powers, nor to change or interfere with the responsibility of law enforcement, probation officers and departments to take direct action on behalf of children as provided in Article 6 (commencing with Section 625) of Chapter 2 of Part 1 and Article 7 (commencing with Section 650) of Chapter 2 of Part 1 of Division 2. Nor shall this part in any way relieve persons administering and working in child protective services programs from the obligation resting on all citizens to report crimes to duly authorized law enforcement agencies. Further it is the purpose of this part to supplement and not supplant existing services for children by the addition of state protective services for children, and nothing herein shall be construed as changing in any way the responsibility of probation officers and departments for initiating juvenile court proceedings as set forth in Article 7 (commencing with Section 650), of Chapter 2 of Part 1 of Division 2, nor other duties and responsibilities assigned to them by law.

16507. The department shall report annually to the Legislature on the operation and progress of the protective services program.

16508. Notwithstanding any other provision of this chapter, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to have been neglected within the purview of this chapter.

16509. Anyone participating in good faith in the making of a report pursuant to this chapter shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.

16510. Services for children who qualify as actual or potential recipients of public assistance under aid to families with dependent children shall be financed as a regular part of the administration of that program.

16511. Services for children not qualifying under Section 16510 shall be financed from federal funds allocated to the state for child welfare services pursuant to Part B of Title 4 of the Social Security Act. The department may limit allocation of child welfare service funds in the following manner: (1) If Congress does not increase the appropriation for child welfare service funds the department may then limit the allocation specifically for protective services to the same proportion of the federal grant as obtained for the 1967–68 fiscal year. (2) If and during such times as the federal government increases the allocation of child welfare services to the state, all of the increased funds resulting from this action shall be devoted to providing protective services for children who do not qualify for service under Section 16510; provided, however, the department shall be permitted to allocate sufficient funds to the development of other aspects of child welfare services in order that the state remain eligible to receive funds pursuant to Part B of Title 4 of the Social Security Act.

SEC. 2. Nothing in this act shall preclude the Legislature from adopting other priorities for the use of child welfare service funds as may be set forth in the Budget Act.

CHAPTER 70

An act relating to state school building aid, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 2, 1968. Filed with Secretary of State May 3, 1968.]

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

SECTION 1. (a) In the event a school district failed to include in its 1967–1968 school budget, and the board of supervisors thereafter failed to levy a tax in 1967–1968 upon the property in the district sufficient to raise for the district, the amount of money to be withheld by the State Controller during the fiscal year 1967–1968, as required by Section 19619 of the Education Code, and in the event the county auditor certifies that fact and the amount of such insufficiency to the State Controller, that officer shall reduce the total amount of the

deductions from apportionments to be made to that district pursuant to Section 19611 of the Education Code by the amount of such insufficiency.

(b) For the fiscal year 1967–1968, the apportionments from the State School Fund for any district which is subject to subdivision (a) shall be increased by an amount equal to the total amount of deductions made pursuant to Section 19611 during the 1967–1968 fiscal year.

(c) For the fiscal year 1968–1969, the State Controller shall add to the amount to be deducted under Section 19611 of the Education Code, the amount of any reduction in any such deduction effected during the fiscal year 1967–1968 pursuant to subdivision (a), plus an amount equal to 5 percent of such reduction.

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:

By reason of inadvertence, there was a failure of a school district to include in its 1967–1968 budget, and thereafter a failure to levy a tax sufficient to provide, the full amount of the 1967–1968 annual repayment of apportionments made under the State School Building Aid Law of 1952. If this act were not to take effect immediately, the State Controller will deduct such amount under Section 19611 of the Education Code from the apportionments to be made to the district from the State School Fund, which would seriously deplete the general fund of such district and would have a consequential effect upon the educational opportunities afforded to the children of the district.

CHAPTER 71

An act to amend Section 1031 of the Code of Civil Procedure, relating to court costs.

[Approved by Governor May 2, 1968. Filed with Secretary of State May 3, 1968.]

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

SECTION 1. Section 1031 of the Code of Civil Procedure is amended to read:

1031. In municipal courts and justice courts the prevailing party, including a defendant as to whom the action is dismissed, is entitled to his costs and necessary disbursements; provided, that where the prevailing party recovers less than the amount prescribed by law as the maximum limitation upon the jurisdiction of small claims courts, the court may, in its discretion, allow or deny costs to such prevailing party, or may allow costs in part in such amount as it may deem proper.

In actions for the recovery of wages for labor performed, where the amount of the demand, exclusive of interest, does not exceed three hundred dollars ($300), the court shall add, as part of the cost, in any judgment recovered by the plaintiff, an attorney's fee not exceeding 20 percent of the amount recovered.

CHAPTER 72

An act to amend Section 17 of the Drainage District Act of 1903 (Chapter 238, Statutes of 1903), relating to districts governed by the Drainage District Act of 1903.

[Approved by Governor May 2, 1968. Filed with Secretary of State May 3, 1968.]

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

SECTION 1. Section 17 of the Drainage District Act of 1903 (Chapter 238, Statutes of 1903) is amended to read:

Sec. 17. In each district organized as herein provided, an election shall be held on the first Tuesday after the first Monday in November of each odd-numbered year, at which shall be chosen a successor to each director whose term of office shall expire in December next thereafter. A director shall be an elector and freeholder of the district, if the directors are elected at large, and shall be an elector and freeholder of the division which the director shall be elected to represent, if directors are elected by divisions. In a district in which the directors are elected by divisions, no one shall be entitled to vote for a director for a division who is not the owner of real property situate in such division, or some improvement thereon, or some interest therein or in such improvement, as provided in Section 7 of this act, as amended. All owners of such property shall be entitled to vote at such election. The number of votes which any such property owner, in any such division, shall be entitled to vote, shall be determined according to the assessed valuation of the property of such voter situated in such division, in the manner provided in Section 7 of this act, as amended.

If the directors are elected at large, each qualified elector of the district may vote, for each director to be elected, as many votes as he may be entitled to vote in accordance with the assessed valuation of his property in the district, as hereinbefore provided.

Prior to the last Friday in December next following the general district election each person elected a director shall qualify as such by taking and subscribing the official oath and executing an official bond in the sum of one thousand dollars ($1,000), which shall be approved by a judge of the superior court. Such oath and bond shall be in the form prescribed by

law for public officers, and shall be filed with the secretary of the board of directors. Each such bond shall be recorded in the office of the county recorder of the county where the organization of the district was effected. If a vacancy shall occur in the office of director, the same shall be filled by appointment by the board of supervisors of the county in which the organization of the district was effected. Such appointee shall qualify as herein provided within 10 days after receiving notice of his appointment and shall hold office for the unexpired portion of the term of his predecessor. All directors shall hold office until their successors are elected and shall have qualified.

CHAPTER 73

An act to add Section 2451.4 to the Business and Professions Code, relating to podiatry.

[Approved by Governor May 9, 1968. Filed with Secretary of State May 9, 1968.]

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

SECTION 1. Section 2451.4 is added to the Business and Professions Code, to read:

2451.4. On and after January 1, 1969 no certificates or renewals of certificates to practice "chiropody" will be issued by the board. In place of such term the board shall use the words "podiatry" or "podiatrist" and shall not use the words "chiropody" or "chiropodist." In the case of all applications for renewals of unexpired, expired, or suspended certificates or licenses pursuant to Article 15 (commencing with Section 2450) of Chapter 5 of Division 2, and upon the submission, by the podiatrist, of his existing certificate or license, together with the application for renewal thereof, the board shall issue a new certificate or license to such podiatrist which shall be identical to the existing certificate, in all respects, including but not limited to, the original date of issuance of all such certificates or licenses, except the words "podiatry" or "podiatrist" shall be used in place and instead of the words "chiropody" or "chiropodist." Pursuant to Section 2014, it is the purpose of this section to replace all existing certificates which embody the word "chiropody."

No action or proceeding commenced before the operative date of this section and no rights given by any certificate issued before the effective date of this section shall be affected by the enactment of this section, but all procedures hereafter taken, and all rights resulting from any such certificates, shall hereafter conform to, and be exercised according to, the provisions of this section as far as possible.

CHAPTER 74

An act to amend Section 19414 of the Business and Professions Code, relative to horseracing.

[Approved by Governor May 9, 1968 Filed with Secretary of State May 9, 1968.]

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

SECTION 1. Section 19414 of the Business and Professions Code is amended to read:

19414. "Quarter horse racing" means the form of horseracing in which a participating horse is a "quarter horse" as defined in Section 19413.5, is mounted by a jockey, and engages in a race over a distance less than one-half of a mile.

CHAPTER 75

An act to amend Sections 10006, 10152, 10153, 10156, 10158, 10159, 10180, 10185, 10517, 10518, 10519, 10521, 10522, 10564 of, to add Section 10137.1 to, and to repeal Sections 10212 and 10592 of, the Business and Professions Code, relating to partnership licensing.

[Approved by Governor May 9, 1968 Filed with Secretary of State May 9, 1968.]

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

SECTION 1. Section 10006 of the Business and Professions Code is amended to read:

10006. "Person" includes corporation, company and firm.

SEC. 2. Section 10137.1 is added to the Business and Professions Code, to read:

10137.1. Nothing contained in this division shall preclude a partnership from performing acts for which a real estate broker license is required, provided every partner through whom the partnership so acts is a licensed real estate broker.

SEC. 2.5. Section 10152 of the Business and Professions Code is amended to read:

10152. The commissioner may require such other proof as he may deem advisable concerning the honesty, truthfulness and good reputation of any applicant for a real estate license, or of the officers of any corporation making such application, before authorizing the issuance of a real estate license. For this purpose the commissioner may call a hearing in accordance with the provisions of this part relating to hearings.

SEC. 3. Section 10153 of the Business and Professions Code is amended to read:

10153. In addition to the proof of honesty, truthfulness and good reputation required of any applicant for a real estate license, the commissioner shall ascertain by written examination that the applicant, and in case of a corporation applicant for a real estate broker's license that each officer, or agent thereof through whom it proposes to act as a real estate licensee, has:

(a) Appropriate knowledge of the English language, including reading, writing and spelling and of arithmetical computations common to real estate and business opportunity practices.

(b) An understanding of the principles of real estate and business opportunity conveyancing, the general purposes and general legal effect of agency contracts, deposit receipts, deeds, mortgages, deeds of trust, chattel mortgages, bills of sale, land contracts of sale and leases, and of the principles of business and land economics and appraisals.

(c) A general and fair understanding of the obligations between principal and agent, of the principles of real estate and business opportunity practice and the canons of business ethics pertaining thereto, of the provisions of this part, of Chapter 1 (commencing with Section 11000) of Part 2, and of the regulations of the Real Estate Commissioner as contained in Title 10 of the California Administrative Code.

SEC. 4. Section 10156 of the Business and Professions Code is amended to read:

10156. The commissioner may, in his discretion, waive the examination of any applicant for a real estate broker's license who held an unrevoked or unsuspended renewal real estate broker's license, within the two-year period immediately preceding the date of the application for such renewal license, as an individual broker, or an officer of a corporation.

The commissioner may, in his discretion waive the examination of any applicant for a real estate salesman's license who held an unrevoked or unsuspended renewal real estate salesman's license, within the two-year period immediately preceding the date of the application for such renewal license.

SEC. 5. Section 10158 of the Business and Professions Code is amended to read:

10158. When a real estate license is issued to a corporation, if it desires any of its officers other than the officer designated by it pursuant to Section 10211, to act under its license as a real estate broker, it shall procure an additional license to so employ each of such additional officers.

SEC. 6. Section 10159 of the Business and Professions Code is amended to read:

10159. Each officer of a corporation through whom it is licensed to act as a real estate broker is, while so employed under such license, a licensed real estate broker, but licensed only to act as such for and on behalf of the corporation as an officer.

SEC. 7. Section 10180 of the Business and Professions Code is amended to read:

10180. The commissioner may deny, suspend or revoke the real estate license of a corporation as to any officer or agent acting under its license without revoking the license of the corporation.

SEC. 8. Section 10185 of the Business and Professions Code is amended to read:

10185. Any person, including officers, directors, agents or employees of corporations, who willfully violates or knowingly participates in the violation of any provisions of this division or of the rules and regulations of the commissioner made pursuant to the provisions of this division, is guilty of a misdemeanor.

SEC. 9. Section 10212 of the Business and Professions Code is repealed.

SEC. 10. Section 10517 of the Business and Professions Code is amended to read:

10517. The commissioner may require such other proof as he may deem advisable concerning the honesty, truthfulness and good reputation of any applicant for a mineral, oil and gas license, or of the officers of any corporation, before authorizing the issuance of a mineral, oil and gas license. For this purpose the commissioner may call a hearing in accordance with the provisions of this part relating to hearings.

SEC. 11. Section 10518 of the Business and Professions Code is amended to read:

10518. In addition to the proof of honesty, truthfulness and good reputation required of an applicant for a mineral, oil and gas license, the commissioner shall ascertain by written examination that the applicant, and in case of a corporation applicant for a mineral, oil and gas broker's license that each officer or agent thereof through whom it proposes to act as a mineral, oil and gas licensee has:

(a) Appropriate knowledge of the English language, including reading, writing and spelling, and of elementary arithmetic.

(b) A fair understanding of the general purposes and general legal effect of deeds, mortgages, chattel mortgages, contracts of sale, bills of sale, liens and leases, of the elementary principles of business economics, appraisals, and the purchase, sale, renting and leasing of personal property.

(c) A general and fair understanding of the obligations between principal and agent, of the rudiments of geology relating to minerals, oils and gas, and a familiarity with methods of mineral and oil exploration and production, as well as of the provisions of this part relating to mineral, oil and gas brokerage.

SEC. 12. Section 10519 of the Business and Professions Code is amended to read:

10519. The commissioner may, in his discretion, waive the examination of any applicant for a mineral, oil and gas broker's license who held an unrevoked or unsuspended renewal mineral, oil and gas license within the two-year period immediately preceding the date of the application for such renewal license, as an individual broker, or an officer of a corporation.

SEC. 13. Section 10521 of the Business and Professions Code is amended to read:

10521. When a mineral, oil and gas license is issued to a corporation, if it desires any of its officers other than the officer designated by it pursuant to Section 10591, to act under its license as a mineral, oil and gas broker, it shall procure an additional license to so employ each of such additional officers.

SEC. 14. Section 10522 of the Business and Professions Code is amended to read:

10522. Each officer of a corporation through whom it is licensed to act as a mineral, oil and gas broker, is, while so employed under such license a licensed mineral, oil and gas broker, but licensed only to act as such for and on behalf of the corporation as an officer.

SEC. 15. Section 10564 of the Business and Professions Code is amended to read:

10564. The commissioner may deny, suspend or revoke the mineral, oil and gas license of a corporation as to any officer or agent acting under its mineral, oil and gas license, without revoking the mineral, oil and gas license of the corporation.

SEC. 16. Section 10592 of the Business and Professions Code is repealed.

CHAPTER 76

An act to amend Section 4008 of the Fish and Game Code, relating to fur-bearing mammals.

[Approved by Governor May 9, 1968. Filed with Secretary of State May 9, 1968.]

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

SECTION 1. Section 4008 of the Fish and Game Code is amended to read:

4008. No trapping license shall be issued to any applicant within one year following the expiration of any trapping license previously issued to such applicant unless he has submitted to the department a sworn statement showing the number of each kind of fur-bearing mammals taken under the previous license and the names and addresses of the persons to whom they were shipped or sold.

CHAPTER 77

An act to amend Section 3271 of the Fish and Game Code, relating to pheasant clubs.

[Approved by Governor May 9, 1968. Filed with Secretary of State May 9, 1968.]

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

SECTION 1. Section 3271 of the Fish and Game Code is amended to read:

3271. For the proper administration of this article the state is divided into two zones, Zone A and Zone B.

(a) Zone A consists of the following areas:

Diamond Valley (Alpine County); that portion of the SE. ¼ of T. 12 N., R. 19 E. in Alpine County; the E. ½ of T. 11 N., R. 19 E.; that portion of T. 11 N., R. 20 E. in Alpine County; the N. ½ of T. 10 N., R. 20 E.

San Joaquin-Sacramento Valleys; commencing at the junction of State Highway 41 and the common boundary between Kern and Kings County northerly on Highway 41 to Kettleman City; thence due west approximately two miles to the 500 feet contour; thence northerly and westerly along said contour to where the 500 feet contour intersects Washoe Avenue; thence northerly along Washoe Avenue approximately thirteen miles to California Avenue (approximately two miles south and four miles west of the Town of Mendota); thence westerly along California Avenue approximately twelve miles to the 500 feet contour; thence northerly and westerly along said contour to range line between 10 E. and 11 E.; thence north along said range line to the Delta-Mendota Canal; thence northerly and westerly along said canal to the crossing of the Southern Pacific Railroad tracks (about five miles south of Byron); thence northwesterly along said railroad to its intersection with State Highway 4 at Brentwood; thence north and west along said State Highway 4 to its intersection with State Highway 84; thence along said State Highway 84 to the Sacramento-Contra Costa boundary line on the Antioch Bridge; thence westerly along the Sacramento-Contra Costa county boundary line to its intersection with the Solano county boundary; thence northeasterly along the Sacramento County-Solano County line to Cache Slough; thence northwesterly along the South bank of Cache Slough to Haas Slough; thence northerly along the south bank of Haas Slough to its intersection with the Sacramento Northern Railroad tracks; thence northeasterly along the Sacramento Northern Railroad tracks to Bunker Station; thence westerly along the Bunker Station-Binghampton Road to State Highway 113; thence northerly along State Highway 113 to Cooper School Road; thence westerly along Cooper School Road to Nut Tree Road; thence northwesterly along Nut Tree Road to Interstate Highway 80; thence southwesterly along Interstate

Highway 80 to the range line between 1 W. and 2 W.; thence north along said range line to the Pacific Gas and Electric Pit Vaca electrical transmission lines approximately six (6) miles north and east of the town of Capay; thence northwesterly along said transmission lines to the township line between 14 N. and 15 N.; thence west along said township line to the SW. corner of the E. ½ of T. 15 N., R. 4 W.; thence north along a line drawn to the NW. corner of the E. ½ of T. 20 N., R. 4 W.; thence east along the township line between 20 N. and 21 N. to the U.S. Bureau of Reclamation Shasta-Tracy westside electrical transmission lines, approximately four (4) miles northwest of the town of Artois; thence north and northwesterly along said transmission lines to the township line between T. 31 N. and T. 32 N.; thence east on said township line to the range line between R. 3 W. and R. 2 W.; thence south on said range line to U.S. Highway 99E (approximately SW. corner T. 27 N., R. 2 W.); thence southeasterly along 99E through Chico to Savona; thence southeasterly along the Oroville-Chico Highway to Oroville; thence southeasterly on the Oroville-Bangor Highway to Bangor on the section line between S. 27 and S. 28, T. 18 N., R. 5 E.; thence south on said section line to the township line between T. 18 N. and T. 17 N.; thence east on said township line to the range line between R. 5 E. and R. 6 E.; thence south on said range line to State Highway 20; thence easterly along said Highway 20 through Smartville to the common boundary between Nevada and Yuba Counties; thence south along this boundary to Placer County; thence east along the common boundary of Nevada and Placer Counties to the range line between R. 6 E. and R. 7 E.; thence south along said range line to the township line between T. 11 N. and T. 10 N.; thence east along this township line to the common boundary between Placer and El Dorado Counties; thence south along said boundary to the common boundary between Sacramento and El Dorado Counties; thence southeasterly along said boundary between Sacramento and El Dorado Counties, Sacramento and Amador Counties, San Joaquin and Amador Counties, San Joaquin and Calaveras Counties, Stanislaus and Calaveras Counties, Stanislaus and Tuolumne Counties, Merced and Mariposa Counties, to Madera County; thence southwest on the common boundary of Merced and Madera Counties to the Madera Canal; thence southeasterly along said canal to State Highway 41; thence southerly on State Highway 41 to Highway 99; thence southeast along Highway 99 to the State Highway 43; thence south along the State Highway 43 to State Highway 198; thence east on State Highway 198 to the junction of State Highway 198 and Highway 99; thence southeast along Highway 99 to the common boundary between Tulare and Kern Counties; thence west along the Kern county line to point of beginning.

The Zone A areas in the remainder of the state are:

Humboldt Bay area (Humbo dt County); commencing at False Cape northerly along ocean shore to Trinidad Head; thence southeasterly on a line drawn to the Town of Crannell; thence to Fieldbrook; thence to Korbel; thence to Freshwater; thence to Falk; thence to Fernbridge; thence to Carlotta; thence to Rio Dell; thence to False Cape the point of beginning.

Scott Valley (Siskiyou County); the SE. ¼ of T. 44 N., R. 10 W.; the S. ½ of T. 44 N., R. 9 W.; all of T. 43 N, R. 9 W.; the NE ¼ of T. 43 N., R. 10 W.; all of T. 42 N., R. 9 W.; the E ½ of T. 41 N., R. 9 W. This includes the Towns of Etna, Greenview, and Fort Jones.

Shasta Valley (Siskiyou County); the SW. ¼ of T. 46 N., R. 5 W.; the SE. ¼ of T. 46 N., R. 6 W.; the NW. ¼ of T. 45 N., R. 5 W.; the S. ½ of T. 45 N., R. 5 W.; all of T. 45 N., R. 6 W.; the E. ½ of T. 45 N., R. 7 W.; all of T. 44 N., R. 5 W., and all of T. 44 N., R. 6 W.; the NE. ¼ of T. 44 N., R. 7 W.; all of T. 43 N., R. 5 W., and all of T. 43 N., R. 6 W.; all of T. 42 N., R. 5 W.; the N. ½ of T. 42 N., R. 6 W. This includes the Towns of Edgewood, Gazelle, Yreka, and Montague.

Tulelake area (Siskiyou and Modoc Counties); commencing at the intersection of the Mt. Diablo meridian with the Oregon-California state line; thence easterly along said state line to the range line between R. 6 E. and R. 7 E.; thence southerly along said range line to the township line between T. 45 N. and T. 46 N.; thence westerly along said township line to the Mt. Diablo meridian; thence north along the Mt. Diablo meridian to the point of beginning.

Pit River Valley (Modoc and Lassen Counties); the W. ½ of T. 45 N., R. 14 E.; all of T. 45 N., R. 13 E.; the W. ½ of T. 44 N., R. 14 E; all of T. 44 N., R. 13 E.; the S. ½ of T. 44 N., R. 12 E.; the E. ½ of T. 44 N., R. 11 E.; all of T. 43 N., R. 13 E.; all of T. 43 N., R. 12 E.; all of T. 42 N, R. 13 E.; all of T. 42 N., R. 12 E., and all of T. 42 N., R. 11 E.; the S. ½ of T. 42 N., R. 10 E.; the SE. ¼ of T. 42 N., R. 9 E.; all of T. 41 N., R. 13 E.; all of T. 41 N., R. 12 E., and of T. 41 N., R. 11 E.; the N. ½ of T. 41 N., R. 10 E.; the NE. ¼ of T. 41 N., R. 9 E.; all of T. 40 N., R. 13 E.; the E. ½ of T. 40 N., R. 12 E.; all of T. 39 N., R. 13 E.; the E. ½ of T. 39 N., R. 12 E. This includes the Towns of Canby, Alturas, Davis Creek, and Likely.

Surprise Valley (Modoc County); all that portion of Surprise Valley lying in Modoc County below the 5,000 feet contour.

Lookout-Bieber area (Modoc and Lassen Counties); commencing at the town of Adin (Modoc County) south on Adin-Eagle Lake County Road to the boundary of the Modoc National Forest (approximately 6.5 miles south of Adin); thence westerly and southerly along said forest boundary to the township line between T. 36 N. and T. 37 N.; thence west along said township line to the Great Northern Railroad;

thence northerly along said railroad to the township line between T. 37 N. and T. 38 N.; thence westerly along said township line to the range line between R. 6 E. and R. 7 E; thence north along said range line to the township line between T. 39 N. and T. 40 N.; thence east along said township line to the range line between R. 7 E. and R. 8 E.; thence south along said range line to the Lookout-Adin County Road; thence easterly along said county road to Adin, the point of beginning. This includes the Towns of Nubieber, Bieber, Lookout, and Adin.

McArthur area (Lassen County); all of T. 38 N., R. 5 E. and T. 38 N., R. 4 E.; the E. ½ of T. 38 N., R. 3 E.; all of T. 37 N., R. 5 E.; the E. ½ of T. 37 N., R. 4 E. This includes the Towns of Dana, Pittville, McArthur, and Fall River Mills.

Honey Lake area (Lassen County); commencing at the point where the Southern Pacific Railroad intersects the California-Nevada state line in T. 27 N., R. 17 E.; thence southerly along said state line to where the township line between T. 24 N. and T. 25 N. intersects said state line; thence westerly along the township line between T. 24 N. and T. 25 N. to the Plumas National Forest boundary; thence northerly and westerly along Plumas National Forest boundary to its intersection with the range line between R. 11 E. and R. 12 E.; thence northerly along said range line to the township line between T. 30 N. and T. 31 N.; thence easterly along said township line to the range line between R. 13 E. and R. 14 E.; thence southerly along said range line to the township line between T. 29 N. and T. 30 N.; thence easterly along said township line to the Southern Pacific Railroad; thence southerly along said railroad through the Town of Wendel; thence southerly and easterly along said railroad to the point of beginning.

Indian Valley (Plumas County); the SW. ¼ of T. 27 N., R. 11 E.; the S. ½ of T. 27 N., R. 10 E.; the SE. ¼ of T. 27 N., R. 9 E.; the W. ½ of T. 26 N., R. 11 E.; T. 26 N., R. 10 E.; the E. ½ of T. 26 N., R. 9 E. This includes the Towns of Greenville, Crescent Mills and Taylorsville.

Sierra Valley (Sierra and Plumas Counties); the S. ½ of T. 23 N., R 16 E.; the S. ½ of T. 23 N., R. 15 E.; the S. ½ of T. 23 N., R 14 E.; the S. ½ of T. 23 N., R. 13 E.; T. 22 N., R. 16 E.; T. 22 N., R. 15 E.; T. 22 N., R. 14 E.; T. 22 N., R. 13 E.; T. 22 N., R 12 E.; T. 21 N., R. 14 E.; T. 21 N., R. 15 E.; the W. ½ of T. 21 N., R. 16 E.; T. 20 N., R. 14 E.; the W. ½ of T. 20 N., R. 15 E. This includes the Towns of Blairsden, Portola, Vinton, Loyalton, Sierraville, and Calpine.

Clubs licensed in the above area shall be known as Zone A licensees.

(b) Zone B comprises the remainder of the state, and clubs licensed in this area shall be known as Zone B licensees.

CHAPTER 78

An act to amend Section 3517 of the Fish and Game Code, relating to partridges.

[Approved by Governor May 9, 1968. Filed with Secretary of State May 9, 1968.]

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

SECTION 1. Section 3517 of the Fish and Game Code is amended to read:

3517. Domestically reared redlegged partridges of the variety Indian chukar (Alectoris graeca chukar) may be released and taken for dog training and field trials pursuant to Section 3510 and on licensed pheasant clubs and licensed game bird clubs as authorized by the commission in the following described areas of the state:

Sacramento, San Joaquin, Salinas, Napa Valleys, Delta and San Francisco Bay Areas: Commencing at a point on the shoreline of the Pacific Ocean and the township line between T. 15 S. and T. 16 S. (MDBM) thence east on said township line to the 500 ft. contour east of Toro Creek; thence following contour around Salinas Valley to intersection with range line between R. 3 E. and R. 4 E., north of Salinas; thence north on said range line to township line between T. 12 S. and T. 13 S.; thence east on said township line to range line between R. 5 E. and R. 6 E.; thence north on said range line to township line between T. 10 S. and T. 11 S.; thence west to range line between R. 1 E. and R. 2 E.; thence north on said range line to common boundary between Alameda and Santa Clara Counties; thence easterly along said boundary to common boundary between Alameda and Stanislaus Counties; thence northerly along said boundary to common boundary between San Joaquin and Stanislaus Counties; thence northerly and easterly along said boundary to the marked line of the San Joaquin Valley California Aqueduct; thence southerly along said Aqueduct to Highway 41; thence westerly along Highway 41 to its junction with Highway 33; thence southerly along Highway 33 to its junction with Highway 166; thence easterly along Highway 166 to its junction with Highway 99; thence southerly along Highway 99 to its junction with Weed Patch-Wheeler Ridge Road; thence northerly along Weed Patch-Wheeler Ridge Road to its junction with David Road; thence easterly along David Road to its junction with Rancho Road; thence northerly along Rancho Road to its junction with Herring Road; thence easterly along Herring Road to its junction with Tejon Highway; thence northerly along Tejon Highway to its junction with Bear Mountain Boulevard; thence easterly along Bear Mountain Boulevard to its junction with Highway 466; thence westerly along Highway 466 to its junction with Highway 65; thence northerly along Highway 65 to the Friant

Kern Canal; thence northerly along said canal to the Madera canal; thence northerly along said canal to common boundary between Merced and Madera Counties; thence easterly along said boundary to common boundary between Merced and Mariposa Counties; thence northerly along said boundary between Merced and Mariposa Counties, Stanislaus and Tuolumne Counties, Stanislaus and Calaveras Counties, Calaveras and San Joaquin Counties, San Joaquin and Amador Counties, Amador and Sacramento Counties, Sacramento and El Dorado Counties, El Dorado and Placer Counties, to township line between T. 10 N. and T. 11 N.; thence west along said township line to range line between R. 6 E. and R. 7 E.; thence north along said range line to common boundary between Nevada and Placer Counties; thence westerly along said boundary to common boundary between Yuba and Nevada Counties; thence northerly along said boundary to State Highway 20; thence westerly along said highway through Smartville to range line between R. 5 E. and R. 6 E.; thence north along said range line to township line between T. 17 N. and T. 18 N.; thence west on said township line to La Porte Road; thence northerly on said road to the Oroville-Bangor Road; thence northwesterly on said road to Oroville; thence northwesterly along Oroville-Chico Highway to Highway 99E; thence northerly along said Highway to range line between R. 2 W. and R. 3 W.; thence north on said range line to township line between T. 31 N. and T. 32 N.; thence west on said township line to range line between R. 4 W. and R. 5 W.; thence south along said range line to township line between T. 12 N. and T. 13 N.; thence west on said township line to range line between R. 6 W. and R. 7 W.; thence north on said range line to township line between T. 15 N. and T. 16 N.; thence west on said township line to range line between R. 10 W. and R. 11 W.; thence south on said range line to common boundary between Lake and Mendocino Counties; thence southeasterly on said boundary to common boundary between Mendocino and Sonoma Counties; thence westerly along said boundary to the Pacific Ocean shoreline; thence southerly along said shoreline to point of beginning. Notwithstanding any other provision of this section, such described area shall include all of the territory of Shasta County.

Imperial Valley: Commencing at the Imperial Dam; thence southerly and westerly along the All American Canal to the Southern Pacific Railroad; thence northerly and westerly along the railroad to the Coachella Canal; thence northerly along the Coachella Canal to Highway U. S. 99; thence south and southeasterly along Highway U. S. 99 to the intersection with the West Side Main Canal; thence southerly along West Side Canal to the Mexico-U. S. border; thence easterly along said border to the common boundary between California and Arizona; thence northeasterly along said boundary to the point of beginning.

Southern California: Commencing at the Town of Tecate on the Mexico-U. S. border; thence northwesterly along the connecting road from Tecate to Highway 94; thence westerly along Highway 94 to its intersection with Cottonwood Creek, near the town of Barrett; thence northerly along said creek to its intersection with the boundary of Cleveland National Forest; thence westerly and northerly along the western boundary of said forest to Highway 78; thence westerly along Highway 78 to the Rincon-Refugio Road; thence north on said road to the Cleveland National Forest boundary; thence westerly and northerly along said boundary to Highway 71; thence westerly along Highway 71 to Highway 395; thence northerly along Highway 395 to Highway 74; thence easterly along Highway 74 to Highway 79; thence northerly along Highway 79 to Highway 60; thence easterly along Highway 60 to Highway 99; thence northwesterly along Highway 99 to Highway 30 in Redlands; thence northerly along Highway 30 to its interesection with the San Bernardino National Forest boundary; thence westerly along said boundary to its intersection with the Angeles National Forest boundary; thence westerly along said boundary to the Tujunga Canyon Road; thence northeasterly along said road to the intersection of the Bear Canyon Road; thence northwesterly along the Bear Canyon Road to Highway 6; thence northeasterly along Highway 6 to its intersection with the Angeles National Forest boundary; thence westerly along said boundary to its intersection with the Los Padres National Forest boundary; thence westerly along said boundary to Highway 150; thence northwesterly along Highway 150 to Highway 101; thence northerly along Highway 101 to Zaca Canyon Cutoff Road; thence northerly along Zaca Canyon Road to Foxen Canyon Road; thence westerly along Foxen Canyon Road to its intersection with the Sisquoc River; thence westerly along the Sisquoc River to the Santa Maria River; thence westerly along the Santa Maria River to its intersection with Highway 101; thence northerly along Highway 101 to the town of Pismo Beach; thence due west from the town of Pismo Beach to the Pacific Ocean shoreline; thence southerly along said shoreline to common boundary between the United States and Mexico; thence easterly along said boundary to the point of origin.

Antelope Valley, Los Angeles County: Commencing at the intersection of 270th Street West and Highway 138; thence north on 270th Street West to the Los Angeles-Kern County line; thence east on the Los Angeles-Kern County line to the common boundary between Los Angeles and San Bernardino Counties; thence south on the Los Angeles-San Bernardino County line to State Highway 138; thence northerly and westerly on said highway through Palmdale to Avenue L; thence west on said avenue to 100th Street West; thence north on said street to Avenue I and the intersection with Highway 138; thence westerly along Highway 138 to the point of beginning.

The season for taking shall be September 1 through March 31 in Zone A pheasant areas, and September 1 for nine consecutive months in Zone B pheasant areas, as such areas are designated in Section 3271. There shall be no daily or seasonal bag limit imposed by the State for the taking of such species.

The commission may adopt such regulations as it deems necessary to govern the release, taking and possession of chukars released on these areas.

SEC. 2. Section 3517 of the Fish and Game Code is amended to read:

3517. Domestically reared redlegged partridges of the variety Indian chukar (Alectoris graeca chukar) may be released and taken for dog training and field trials pursuant to Section 3510 and on licensed pheasant clubs and licensed game bird clubs as authorized by the commission in the following described areas of the state:

Sacramento, San Joaquin, Salinas, Napa Valleys, Delta and San Francisco Bay Areas: Commencing at a point on the shoreline of the Pacific Ocean and the township line between T. 15 S. and T. 16 S. (MDBM), thence east on said township line to the 500 ft. contour east of Toro Creek; thence following contour around Salinas Valley to intersection with range line between R. 3. E. and R. 4 E., north of Salinas; thence north on said range line to township line between T. 12 S. and T. 13 S.; thence east on said township line to range line between R. 5 E. and R. 6 E.; thence north on said range line to township line between T. 10 S. and T. 11 S.; thence west to range line between R. 1 E. and R. 2 E.; thence north on said range line to common boundary between Alameda and Santa Clara Counties; thence easterly along said boundary to common boundary between Alameda and Stanislaus Counties; thence northerly along said boundary to common boundary between San Joaquin and Stanislaus Counties; thence northerly and easterly along said boundary to the marked line of the San Joaquin Valley California Aqueduct; thence southerly along said Aqueduct to Highway 41; thence westerly along Highway 41 to its junction with Highway 33; thence southerly along Highway 33 to its junction with Highway 166; thence easterly along Highway 166 to its junction with Highway 99; thence southerly along Highway 99 to its junction with Weed Patch-Wheeler Ridge Road; thence northerly along Weed Patch-Wheeler Ridge Road to its junction with David Road; thence easterly along David Road to its junction with Rancho Road; thence northerly along Rancho Road to its junction with Herring Road; thence easterly along Herring Road to its junction with Tejon Highway; thence northerly along Tejon Highway to its junction with Bear Mountain Boulevard; thence easterly along Bear Mountain Boulevard to its junction with Highway 466; thence westerly along Highway 466 to its junction with Highway 65; thence northerly along Highway 65 to the Friant Kern Canal; thence northerly along said canal to the Madera

canal; thence northerly along said canal to common boundary between Merced and Madera Counties; thence easterly along said boundary to common boundary between Merced and Mariposa Counties; thence northerly along said boundary between Merced and Mariposa Counties, Stanislaus and Tuolumne Counties, Stanislaus and Calaveras Counties, Calaveras and San Joaquin Counties, San Joaquin and Amador Counties, Amador and Sacramento Counties, Sacramento and El Dorado Counties, El Dorado and Placer Counties to township line between T. 10 N. and T. 11 N.; thence west along said township line to range line between R. 6 E. and R. 7 E ; thence north along said range line to common boundary between Nevada and Placer Counties; thence westerly along said boundary to common boundary between Yuba and Nevada Counties; thence northerly along said boundary to State Highway 20; thence westerly along said highway through Smartville to range line between R. 5 E. and R. 6 E.; thence north along said range line to township line between T. 17 N. and T. 18 N.; thence west on said township line to La Porte Road; thence northerly on said road to the Oroville-Bangor Road; thence northwesterly on said road to Oroville; thence northwesterly along Oroville-Chico Highway to Highway 99E; thence northerly along said Highway to range line between R. 2 W. and R. 3 W.; thence north on said range line to township line between T. 31 N. and T. 32 N.; thence west on said township line to range line between R. 4 W. and R. 5 W.; thence south along said range line to township line between T. 12 N. and T. 13 N.; thence west on said township line to range line between R. 6 W. and R. 7 W.; thence north on said range line to township line between T. 15 N. and T. 16 N.; thence west on said township line to range line between R. 10 W. and R. 11 W.; thence south on said range line to common boundary between Lake and Mendocino Counties; thence southeasterly on said boundary to common boundary between Mendocino and Sonoma Counties; thence westerly along said boundary to the Pacific Ocean shoreline; thence southerly along said shoreline to point of beginning. Notwithstanding any other provision of this section, such described area shall include all of the territory of Shasta County.

Imperial Valley: Commencing at the Imperial Dam; thence southerly and westerly along the All American Canal to the Southern Pacific Railroad; thence northerly and westerly along the railroad to the Coachella Canal; thence northerly along the Coachella Canal to Highway 86; thence south and southeasterly along Highway 86 to the intersection with the West Side Main Canal; thence southerly along West Side Canal to the Mexico-U. S. border; thence easterly along said border to the common boundary between California and Arizona; thence northeasterly along said boundary to the point of beginning.

Southern California: Commencing at the town of Tecate on the Mexico-U. S. border; thence northwesterly along the connecting road from Tecate to Highway 94; thence westerly along Highway 94 to its intersection with Cottonwood Creek, near the town of Barrett; thence northerly along said creek to its intersection with the boundary of Cleveland National Forest; thence westerly and northerly along the western boundary of said forest to Highway 78; thence westerly along Highway 78 to the Rincon-Refugio Road; thence north on said road to the Cleveland National Forest boundary; thence westerly and northerly along said boundary to Highway 71; thence westerly along Highway 71 to Highway 395; thence northerly along Highway 395 to Highway 74; thence easterly along Highway 74 to Highway 79; thence northerly along Highway 79 to Highway 60; thence easterly along Highway 60 to Highway 62; thence northeasterly along Highway 62 to the Riverside-San Bernardino County line; thence northwesterly along said county line to its intersection with the San Bernardino National Forest boundary; thence northwesterly along said boundary to its intersection with the Angeles National Forest boundary; thence westerly along said boundary to the Tujunga Canyon Road; thence northeasterly along said road to the intersection of the Bear Canyon Road; thence northwesterly along the Bear Canyon Road to Highway 6; thence northeasterly along Highway 6 to its intersection with the Angeles National Forest boundary; thence westerly along said boundary to its intersection with the Los Padres National Forest boundary; thence westerly along said boundary to Highway 150; thence northwesterly along Highway 150 to Highway 101; thence northerly along Highway 101 to Zaca Canyon Cutoff Road; thence northerly along Zaca Canyon Road to Foxen Canyon Road; thence westerly along Foxen Canyon Road to its intersection with the Sisquoc River; thence westerly along the Sisquoc River to the Santa Maria River; thence westerly along the Santa Maria River to its intersection with Highway 101; thence northerly along Highway 101 to the town of Pismo Beach; thence due west from the town of Pismo Beach to the Pacific Ocean shoreline, thence southerly along said shoreline to common boundary between the United States and Mexico; thence easterly along said boundary to the point of origin.

Antelope Valley, Los Angeles County: Commencing at the intersection of 270th Street West and Highway 138; thence north on 270th Street West to the Los Angeles-Kern County line; thence east on the Los Angeles-Kern County line to the common boundary between Los Angeles and San Bernardino Counties; thence south on the Los Angeles-San Bernardino County line to State Highway 138; thence northerly and westerly on said highway through Palmdale to Avenue L; thence west on said avenue to 100th Street West; thence north on said street to Avenue I and the intersection with Highway

138; thence westerly along Highway 138 to the point of beginning.

The season for taking shall be September 1 through March 31 in Zone A pheasant areas, and September 1 for nine consecutive months in Zone B pheasant areas, as such areas are designated in Section 3271. There shall be no daily or seasonal bag limit imposed by the state for the taking of such species.

The commission may adopt such regulations as it deems necessary to govern the release, taking and possession of chukars released on these areas.

SEC. 3. Section 2 of this act shall become operative only if the amendment of Section 3517 of the Fish and Game Code as proposed by Assembly Bill No 616 is enacted by the Legislature at its 1968 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Section 3517 of the Fish and Game Code as amended by Section 1 of this act is repealed.

CHAPTER 79

An act to amend Section 18415 of, to add Chapter 8.5 (commencing with Section 18600) to Division 10 of, to add Section 22603 to, and to repeal Section 17073 of, the Elections Code, relating to write-in votes, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 9, 1968 Filed with Secretary of State May 9, 1968]

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

SECTION 1. Section 17073 of the Elections Code is repealed.

SEC. 2. Section 18415 of the Elections Code is amended to read:

18415. When it appears that the total number of votes cast for any person to fill an office to be filled by the votes of a single county or subdivision thereof amounts to less than 1 percent of the total number of votes cast for that office, a record shall not be kept of the vote cast for that person, but all of the votes cast for all such persons for that office shall be totaled, and the total shall be entered in the statement of the number of votes cast for the several candidates for the office, opposite the word "scattering." This section shall not apply to persons whose names were written on a ballot but were not counted pursuant to Section 18603.

SEC. 3. Chapter 8.5 (commencing with Section 18600) is added to Division 10 of the Elections Code, to read:

CHAPTER 8.5. CANVASS OF WRITE-IN VOTES

18600. Any name written upon a ballot shall be counted, unless prohibited by Section 18603, for that name for the office under which it is written, if it is written in the blank space therefor, whether or not a cross (+) is stamped or made with pen or pencil in the voting square after the name so written.

18601. Every person who desires to have his name as written on the ballots of an election counted for a particular office shall file a declaration stating that he is a write-in candidate for the nomination for or election to the particular office and giving the title of that office.

18602. The declaration required by Section 18601 shall be filed no later than the fifth day prior to the election to which it applies. It shall be filed with the clerks, registrar of voters, or district secretary responsible for the conduct of the election in which the candidate desires to have write-in votes of his name counted.

18603. No name written upon a ballot in any state, county, city, city and county, or district election shall be counted for an office or nomination unless

(a) A declaration has been filed pursuant to Sections 18601 and 18602 declaring a write-in candidacy for that particular person for that particular office or nomination and

(b) The fee required by Section 6555 is paid when the declaration of write-in candidacy is filed pursuant to Section 18602.

18604 In a primary election, write-in votes shall be counted for each person whose name appears on a ballot as a candidate for nomination for the same office by another party, notwithstanding his failure to comply with the provisions of Sections 18601, 18602, and 18603.

SEC. 4. Section 22603 is added to the Election Code, to read:

22603. The provisions of Section 18415 and Chapter 8.5 (commencing with Section 18600) of Division 10, relating to write-in votes, shall apply to municipal elections held in general law cities.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is a direct primary election scheduled for June 4, 1968, and it is essential to have the provisions of this act operative at that time so as to reduce the costs of the election and to increase the efficiency in preparing the returns.

CHAPTER 80

An act to add Section 213.7 to the Revenue and Taxation Code, relating to tax exemptions.

[Approved by Governor May 9, 1968 Filed with Secretary of State May 9, 1968.]

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

SECTION 1. Section 213.7 is added to the Revenue and Taxation Code, to read:

213.7. As used in Section 214, "property used exclusively for religious, hospital, scientific or charitable purposes" shall include the property of a volunteer fire department which is used exclusively for fire department purposes.

CHAPTER 81

An act to amend Section 700 of the Probate Code, relating to creditors' claims.

[Approved by Governor May 9, 1968 Filed with Secretary of State May 9, 1968.]

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

SECTION 1. Section 700 of the Probate Code is amended to read:

700. The executor or administrator, promptly after letters are issued, must cause to be published in some newspaper published in the county, if there be one, if not, then in such newspaper as may be designated by the court or judge, a notice to the creditors of the decedent, requiring all persons having claims against the decedent to file them, with the necessary vouchers, in the office of the clerk of the court from which letters issued, or to present them, with the necessary vouchers, to the executor or administrator, at his residence or place of business, to be specified in the notice, within four months after the first publication of the notice.

CHAPTER 82

An act to amend Section 70130 of the Government Code, relating to courts.

[Approved by Governor May 9, 1968 Filed with Secretary of State May 9, 1968.]

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

SECTION 1. Section 70130 of the Government Code is amended to read:

70130. (a) In a county with a population of over 140,000 and not over 147,000 as determined by the 1960 Federal Decennial Census, within which there is located a facility of the Department of Corrections of the State of California, the annual salary of each full-time official reporter shall notwithstanding any other provision of law be twelve thousand nine hundred dollars ($12,900), and no more, and the compensation of each official reporter pro tempore shall be forty-five dollars ($45) a day for each day he is actually on duty under order of the court. Any official reporter who, immediately prior to the effective date of this subdivision, was paid at the per diem rate of thirty-five dollars ($35) for reporting contested matters and seven dollars ($7) for reporting each default or uncontested proceeding, not exceeding five such proceedings, may elect to continue to receive such compensation in lieu of the annual salary provided by this subdivision.

(b) In addition to the compensation provided in this article, each full-time reporter of the superior court shall be entitled to, and shall receive, the same vacations, sick leave, and similar privileges and benefits as are now, or may hereafter be provided for the employees of the County of Marin, including the right to participate in any group, accident, health or life insurance plan adopted by the board of supervisors of said county.

CHAPTER 83

An act to amend Section 854 of the Fish and Game Code, to amend Section 15005 of the Government Code, and to amend Section 2256 of the Vehicle Code, relating to state civil service.

[Approved by Governor May 9, 1968 Filed with Secretary of State May 9, 1968]

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

SECTION 1. Section 854 of the Fish and Game Code is amended to read:

854. Notwithstanding Section 18932 of the Government Code, the minimum age limit for appointment to the position of fish and game warden of the California Department of Fish and Game shall be 21 years, and the maximum age limit for examination shall be 40 years.

SEC. 2. Section 15005 of the Government Code is amended to read:

15005. Notwithstanding Section 18932, the minimum age limit for appointment to the position of special or narcotic agent shall be 21 years, and the maximum age limit for examination shall be 40 years. The age limits set forth herein shall not affect the right of a special or narcotic agent to participate in promotional examinations.

SEC. 3. Section 2256 of the Vehicle Code is amended to read:

2256. Notwithstanding Section 18932 of the Government Code, the minimum age limit for appointment to the position of state traffic officer of the California Highway Patrol shall be 21 years, and the maximum age limit for examination shall be 31 years.

CHAPTER 84

An act to amend Section 19142 of the Government Code, relating to state civil service.

[Approved by Governor May 9, 1968. Filed with Secretary of State May 9, 1968.]

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

SECTION 1. Section 19142 of the Government Code is amended to read:

19142. Every person accepts and holds a position in the state civil service subject to mandatory reinstatement of another person.

Upon reinstatement of such a person any necessary separations are effected under the provisions of this part governing layoff and demotion except that (1) an employee who is not to be separated from state service need not receive advance notification as provided in Section 19540, and (2) seniority shall not be counted as provided in Section 19533 when this would result in the layoff of the person who has the reinstatement right. Under such a circumstance, qualifying service in classes at substantially the same or higher salary level is the only state service that shall be counted for purposes of determining who is to be separated.

CHAPTER 85

An act to amend Section 29802 of the Government Code, relating to warrants.

[Approved by Governor May 9, 1968. Filed with Secretary of State May 9, 1968.]

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

SECTION 1. Section 29802 of the Government Code is amended to read:

29802. Any warrant issued for the giving of aid and payable to an indigent, a needy aged person, a needy child, a needy

disabled person, or a needy blind person, or issued for the giving of such aid and payable to the guardian, trustee, disbursing agent, or any custodian of the funds or estate of any of them is void if not presented to the county treasurer for payment within six months after its date.

Any other warrant is void if not presented to the county treasurer within two years after its date.

Whenever, under the provisions of this section, warrants drawn on trust funds become void, the moneys in the county treasury represented by such warrants may be transferred to the general fund of the county by the county auditor unless disposition is otherwise provided by law.

Any time within five years from the date on which the original warrant became void, the payee on any warrant which is void as provided in this section, except a warrant issued for the giving of aid, may present such warrant to the governing body of the agency on which the warrant was drawn, or declare by affidavit that such warrant has been lost or destroyed, and the governing body of such agency may adopt an order instructing the county auditor to draw a new warrant in favor of the payee in the same amount as the original warrant. Any such new warrant shall be subject to the limitations of presentation within two years.

CHAPTER 86

An act to amend Section 19950 of the Health and Safety Code, relating to housing for the elderly.

[Approved by Governor May 9, 1968. Filed with Secretary of State May 9, 1968.]

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

SECTION 1. Section 19950 of the Health and Safety Code is amended to read:

19950. Notwithstanding any other statutory provision, no state agency or city, city and county, county, or other political subdivision of this state, including, but not limited to, a chartered city, city and county, or county, shall prevent the use in any unit of a low cost housing development for the elderly financed in whole or in part with federal or state funds or by means of loans insured in whole or in part by the federal or state government of a stove, refrigerator, and sink which are combined in a single unit solely because they are so combined, if such efficiency living unit conforms to the regulations relating to efficiency living units adopted by the Commission of Housing and Community Development.

CHAPTER 87

An act to amend Section 10204 of the Government Code, relating to the Legislative Counsel, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 9, 1968. Filed with Secretary of State May 9, 1968.]

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

SECTION 1. Section 10204 of the Government Code is amended to read:

10204. The annual salary of the Legislative Counsel is twenty-five thousand dollars ($25,000), or such greater amount as may be prescribed by the Joint Committee on Legislative Organization. The Legislative Counsel shall be repaid all actual expenses incurred or paid by him in the discharge of his duties.

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:

It is essential that the Legislature have flexibility in providing adjustments in service agencies providing necessary services to the Legislature. The Legislative Counsel, as one of such aids to the Legislature, is the Legislature's legal officer and has many duties with regard to the preparation, amendment, and consideration of legislative measures and he performs therefore a legislative function. It is necessary that this act take immediate effect to enable the Legislature, acting through its Joint Committee on Legislative Organization, to be in a position, as soon as possible, to make changes with respect to this aid to the Legislature to conform with other adjustments made for allied services provided the legislative branch.

CHAPTER 88

An act to amend Section 54201 of the Agricultural Code, to amend Sections 4113, 4119, 10250, 27000, 27001, and 27002 of, to add Division 1 (commencing with Section 25000) to Title 4 of, and to repeal Division 1 (commencing with Section 25000) of Title 4 of, the Corporations Code, and to amend Sections 14250, 18601, 18606, 18607, 18801, and 18813

of, and to repeal Section 18600 of, the Financial Code, relating to the Corporate Securities Law of 1968.

[Approved by Governor May 9, 1968 Filed with Secretary of State May 9, 1968]

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

SECTION 1. Division 1 (commencing with Section 25000) of Title 4 of the Corporations Code is repealed.

SEC. 2. Division 1 (commencing with Section 25000) is added to Title 4 of the Corporations Code, to read:

DIVISION 1. CORPORATE SECURITIES LAW OF 1968

PART 1. DEFINITIONS

25000. This division may be known as the "Corporate Securities Law of 1968."

References herein to "this law" refer to the applicable provisions of this division.

25001. Unless the context otherwise requires, the definitions in this part apply throughout this division.

25002. "Advertisement" means any written or printed communication or any communication by means of recorded telephone messages or spoken on radio, television, or similar communications media, published in connection with the offer or sale of a security.

25003. "Agent" means any person, other than a broker-dealer or a partner of a licensed broker-dealer, who represents a broker-dealer or who for compensation represents an issuer in effecting or attempting to effect purchases or sales of securities in this state. "Agent" does not include a person who only represents an issuer in effecting transactions in securities exempted by subdivision (a), (b), (e), (f), (g), (j), (k) or (*l*) of Section 25100 or in effecting transactions exempted by Section 25102, and does not include a person who has no place of business in this state if he effects transactions in this state exclusively with broker-dealers. An officer or director of a broker-dealer or issuer, or a person occupying a similar status or performing similar functions, is an agent only if he otherwise comes within this definition and receives compensation specifically related to purchases or sales of securities.

25004. "Broker-dealer" means any person engaged in the business of effecting transactions in securities in this state for the account of others or for his own account. "Broker-dealer" does not include (a) an agent, (b) an issuer, (c) a bank, trust company, or savings and loan association, (d) any person insofar as he buys or sells securities for his own account, either individually or in some fiduciary capacity, but not as a part of

a regular business, (e) a person who has no place of business in this state if he effects transactions in this state exclusively with (1) the issuers of the securities involved in the transactions or (2) other broker-dealers, or (f) a broker licensed by the Real Estate Commissioner of this state when engaged in transactions in securities exempted by subdivision (f) or (p) of Section 25100 or in securities the issuance of which is subject to authorization by the Real Estate Commissioner of this state or in transactions exempted by subdivision (e) of Section 25102.

25005. "Commissioner" means the Commissioner of Corporations.

25006. "Fraud," "deceit," and "defraud" are not limited to common law fraud or deceit.

25007. "Guaranteed" means guaranteed as to payment of principal, interest, dividends, or call premium.

25008. (a) An offer or sale of a security is made in this state when an offer to sell is made in this state, or an offer to buy is accepted in this state, or (if both the seller and the purchaser are domiciled in this state) the security is delivered to the purchaser in this state. An offer to buy or a purchase of a security is made in this state when an offer to buy is made in this state, or an offer to sell is accepted in this state, or (if both the seller and the purchaser are domiciled in this state) the security is delivered to the purchaser in this state.

(b) An offer to sell or to buy is made in this state when the offer either originates from this state or is directed by the offeror to this state and received at the place to which it is directed. An offer to buy or to sell is accepted in this state when acceptance is communicated to the offeror in this state; and acceptance is communicated to the offeror in this state when the offeree directs it to the offeror in this state reasonably believing the offeror to be in this state and it is received at the place to which it is directed. A security is delivered to the purchaser in this state when the certificate or other evidence of the security is directed to the purchaser in this state and received at the place to which it is directed.

(c) An offer to sell or to buy is not made in this state merely because (1) the publisher circulates or there is circulated on his behalf in this state any bona fide newspaper or other publication of general, regular and paid circulation which has had more than two-thirds of its circulation outside this state during the past 12 months, or (2) a radio or television program originating outside this state is received in this state.

25009. "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing or selling securities, or who, for compensation and as a part of a regular business, publishes analyses or reports concerning

securities. "Investment adviser" does not include (a) a bank, trust company or savings and loan association; (b) an attorney at law, accountant, engineer or teacher whose performance of these services is solely incidental to the practice of his profession; (c) a broker-dealer whose performance of these services is solely incidental to the conduct of his business as a broker-dealer and who receives no special compensation for them; or (d) a publisher of any bona fide newspaper, news magazine or business or financial publication of general, regular and paid circulation and the agents and servants thereof, but this clause (d) does not exclude any such person who engages in any other activity which would constitute him an investment adviser within the meaning of this section.

25010. "Issuer" means any person who issues or proposes to issue any security. With respect to certificates of deposit, voting trust certificates or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors or persons performing similar functions or of the fixed, restricted management or unit type, the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued; except that with respect to equipment-trust certificates or like securities, the term "issuer" means the person by whom the equipment or property is or is to be used. With respect to certificates of interest or participation in oil, gas or mining titles or leases or in payments out of production under such titles or leases, the term "issuer" means the person or persons in active control of the exploration or development of the property who sell such interests or participations or payments or any person or persons who subdivide and sell such interests or participations or payments. The determination of the person or persons in active control of the exploration or development of the property shall be made on the basis of the actual relationship of the parties and not on the basis of the legal designation of a person's interest. In the case of an unincorporated association which provides by its articles for limited liability of any or all of its members, or in the case of a trust, committee, or other legal entity, the trustees or members thereof shall not be individually liable as issuers of any security issued by the association, trust, committee, or other legal entity.

25011. "Nonissuer transaction" means any transaction not directly or indirectly for the benefit of the issuer. A transaction is indirectly for the benefit of the issuer if any portion of the purchase price of any securities involved in the transaction will be received indirectly by the issuer. An offering which involves both an issuer transaction and a nonissuer transaction shall be treated for the purposes of Chapters 2 (commencing with Section 25110) and 4 (commencing with

Section 25130) of Part 2 of this division as an issuer transaction, but for the purposes of Chapter 1 (commencing with Section 25100) of Part 2 of this division they shall be treated as separate transactions.

25012. "Owners' association" means a nonprofit corporation or association created to own or lease the commonly owned lots, parcels or areas referred to in clause (a) of Section 25015, or to provide management, maintenance, preservation or control of either such lots, parcels or areas or of the separately owned lots, parcels or areas, or both, or any portion of or interest in them, if the shares or certificates of membership therein are transferable only by transfer of the separately owned lots, parcels or areas in a real estate development. Such shares of stock or memberships shall be considered interests in a real estate development.

25013. "Person" means an indivdual, a corporation, a partnership, a joint venture, an association, a joint stock company, a trust, an unincorporated organization, a government, or a political subdivision of a government.

25014. "Publish" means publicly to issue or circulate by newspaper, mail, radio or television, or otherwise to disseminate to the public.

25015. "Real estate development" means a development (a) which consists or will consist of separately owned lots, parcels or areas with either or both of the following features: (1) one or more additional contiguous or noncontiguous lots, parcels, or areas owned in common by the owners of the separately owned lots, parcels, or areas, or (2) mutual, common, or reciprocal interests in or restrictions upon all or portions of such separately owned lots, parcels, or areas; and (b) in which the several owners of the separately owned lots, parcels, or areas have rights, directly or indirectly, to the beneficial use and enjoyment of the lots, parcels, or areas owned in common, or any one or more of them or portions thereof or interests therein, or of the interests or restrictions referred to in clause (a) above, or both. The estate in a separately or commonly owned lot, parcel, or area may be an estate of inheritance or perpetual estate, an estate for life, or an estate for years. The common ownership of the lots, parcels, or areas or the enjoyment of the interests or restrictions referred to in clause (a) above or both may be through ownership of shares of stock or memberships in an owners' association or otherwise.

25016. "Rule" means any published regulation or standard of general application issued by the commissioner. "Order" means a consent, authorization, approval, permit, or requirement applicable to a specific case issued by the commissioner.

25017. (a) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value. "Sale" or "sell" includes any exchange of securities and any change in the rights, preferences, privileges, or restrictions of or on outstanding securities.

(b) "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

(c) Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing constitutes a part of the subject of the purchase and is considered to have been offered and sold for value.

(d) A purported gift of assessable stock involves an offer and sale.

(e) Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert the security into another security of the same or another issuer, includes an offer and sale of the other security only at the time of the offer or sale of the warrant or right or convertible security; but neither the exercise of the right to purchase or subscribe or to convert nor the issuance of securities pursuant thereto is an offer or sale.

(f) The terms defined in this section do not include: (1) any bona fide secured transaction in or loan of outstanding securities; (2) any stock dividend payable with respect to common stock of a corporation solely (except for any cash or scrip paid for fractional shares) in shares of such common stock, if the corporation has no other class of voting stock outstanding; provided, that shares issued in any such dividend shall be subject to any conditions previously imposed by the commissioner applicable to the shares with respect to which they are issued; or (3) any act incident to a judicially approved arrangement or reorganization in which securities are issued and exchanged for one or more outstanding securities, claims or property interests, or partly in such exchange and partly for cash.

25018. "Securities Act of 1933," "Securities Exchange Act of 1934," "Public Utility Holding Company Act of 1935," "Investment Advisers Act of 1940," and "Investment Company Act of 1940" mean the federal statutes of those names as amended before or after the effective date of this law.

25019. "Security" means any note; stock; treasury stock; membership in an incorporated or unincorporated association; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease; or, in general, any interest or instrument commonly known as a "security"; or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. All of the foregoing are securities whether or not

evidenced by a written document. "Security" does not include: (1) any beneficial interest in any voluntary inter vivos trust which is not created for the purpose of carrying on any business or solely for the purpose of voting, or (2) any beneficial interest in any testamentary trust, or (3) any insurance or endowment policy or annuity contract under which an insurance company admitted in this state promises to pay a sum of money (whether or not based upon the investment performance of a segregated fund) either in a lump sum or periodically for life or some other specified period.

25020. "State" means any state, territory, or possession of the United States, the District of Columbia and Puerto Rico.

25021. "Subdivided lands" and "subdivision" have the meanings prescribed in Sections 11000 and 11004.5 of the Business and Professions Code.

25022. "Underwriter" means a person who has agreed with an issuer or other person on whose behalf a distribution is to be made (a) to purchase securities for distribution or (b) to distribute securities for or on behalf of such issuer or other person or (c) to manage or supervise a distribution of securities for or on behalf of such issuer or other person.

PART 2. QUALIFICATION OF THE SALE OF SECURITIES

CHAPTER 1. EXEMPTIONS

25100. The following securities are exempted from the provisions of Sections 25110, 25120, and 25130:

(a) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any city, county, city and county, public district, public authority, public corporation, public entity, or political subdivision of a state or any agency or corporate or other instrumentality of any one or more of the foregoing; or any certificate of deposit for any of the foregoing.

(b) Any security issued or guaranteed by the Dominion of Canada, any Canadian province, any political subdivision or municipality of any such province, or by any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor; or any certificate of deposit for any of the foregoing.

(c) Any security issued or guaranteed by and representing an interest in or a direct obligation of a national bank or a bank or trust company incorporated under the laws of this state, and any security issued by a bank to one or more other banks and representing an interest in an asset of the issuing bank.

(d) Any security issued or guaranteed by a federal savings and loan association or federal land bank or joint land bank or national farm loan association or by any savings and loan as-

sociation which is subject to the supervision and regulation of the Savings and Loan Commissioner of this state.

(e) Any security (other than an interest in a real estate development), the issuance of which is subject to authorization by the Insurance Commissioner, the Public Utilities Commission, or the Real Estate Commissioner of this state.

(f) Any security consisting of any interest in all or portions of a parcel or parcels of real property which are subdivided lands or a subdivision or in a real estate development; provided that the exemption in this subdivision shall not be applicable to any investment contract sold or offered for sale with, or as part of, any such interest, or to any corporation engaged in the business of selling, distributing or supplying water for irrigation purposes or domestic use which is not a public utility.

(g) Any shares, investment certificates or borrower's membership certificates (as defined in the Savings and Loan Association Law) issued by a savings and loan association holding a license then in force from the Savings and Loan Commissioner of this state.

(h) Any security issued or guaranteed by any federal credit union, or by any credit union organized and supervised under the laws of this state.

(i) Any security issued or guaranteed by any railroad, other common carrier, public utility, or public utility holding company which is (1) subject to the jurisdiction of the Interstate Commerce Commission or (2) a holding company registered with the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935 or a subsidiary of such a company within the meaning of that act or (3) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, of any state, of Canada or of any Canadian province; and the security is subject to registration with or authorization of issuance by such authority.

(j) Any security (except evidences of indebtedness, whether interest bearing or not) of an issuer (1) organized exclusively for educational, benevolent, fraternal, religious, charitable, social, or reformatory purposes and not for pecuniary profit, if no part of the net earnings of the issuer inures to the benefit of any private shareholder or individual, or (2) organized as a chamber of commerce or trade or professional association. The fact that amounts received from memberships or dues or both will or may be used to construct or otherwise acquire facilities for use by members of the nonprofit organization does not disqualify the organization for this exemption. This exemption does not apply to the securities of any nonprofit organization if any promoter thereof expects or intends to make a profit directly or indirectly from any business or activity associated with the organization or operation of such nonprofit organization or from remuneration received from such nonprofit organization.

(k) Any agreement, commonly known as a "life income contract," of an issuer (1) organized exclusively for educational, benevolent, fraternal, religious, charitable, social, or reformatory purposes and not for pecuniary profit and (2) which the commissioner designates by rule or order, with a donor in consideration of a donation of property to such issuer and providing for the payment to the donor or persons designated by him of income or specified periodic payments from the donated property or other property for the life of the donor or such other persons.

(*l*) Any note, draft, bill of exchange, or banker's acceptance which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal; except such promissory notes offered to the public in amounts of less than five thousand dollars ($5,000) in the aggregate to any one purchaser.

(m) Any security issued by any corporation organized and existing under the provisions of Chapter 1 (commencing with Section 54001) of Division 20 of the Agricultural Code.

(n) Any investment contract or profit-sharing agreement or other security issued in connection with a noncontributory employees' pension, profit-sharing or similar benefit plan qualified under Section 401 of the Federal Internal Revenue Code, or any statute amendatory thereof or supplementary thereto. This exemption is in addition to that provided by Section 28006 of this code.

(o) Any security listed or approved for listing upon notice of issuance on the New York Stock Exchange; and any warrant or right to purchase or subscribe to any such security.

(p) A promissory note secured by a lien on real property, which is not one of a series of notes secured by interests in the same real property.

25101. The following securities are exempted from the provisions of Section 25130:

(a) Any security issued by a person which is the issuer of any security registered under Section 12 of the Securities Exchange Act of 1934 or exempted from such registration by Section 12(g)(2)(G) of that act or which is an investment company registered under the Investment Company Act of 1940; provided, however, that this exemption does not apply to such securities offered pursuant to a registration under the Securities Act of 1933 or pursuant to an exemption under Regulation A under that act if the aggregate offering price of the securities offered under such exemption exceeds fifty thousand dollars ($50,000).

25102. The following transactions are exempted from the provisions of Section 25110:

(a) Any offer (but not a sale) not involving any public offering and the execution and delivery of any agreement for the sale of securities pursuant to such offer if (1) the agreement contains substantially the following provision: "The sale of the securities which are the subject of this agreement has not been qualified with the Commissioner of Corporations of the State of California and the issuance of such securities or the payment or receipt of any part of the consideration therefor prior to such qualification is unlawful. The rights of all parties to this agreement are expressly conditioned upon such qualification being obtained."; and (2) no part of the purchase price is paid or received and none of the securities are issued until the sale of such securities is qualified under this law.

(b) Any offer (but not a sale) of a security for which a registration statement has been filed under the Securities Act of 1933 but has not yet become effective, if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under Section 8 of such act and no order under Section 25140 or subdivision (a) of Section 25143 is in effect under this law.

(c) Any offer (but not a sale) and the execution and delivery of any agreement for the sale of securities pursuant to such offer as may be permitted by the commissioner upon application. Any negotiating permit under this subdivision shall be conditioned to the effect that none of the securities may be issued and none of the consideration therefor may be received or accepted until the sale of such securities is qualified under this law.

(d) Any transaction or agreement between the issuer and an underwriter or among underwriters if the sale of the securities is qualified prior to distribution thereof in this state, if any.

(e) Any offer or sale of any evidence of indebtedness, whether secured or unsecured, and any guarantee thereof, in a transaction not involving any public offering.

(f) Any offer or sale of any bona fide general partnership, joint venture or limited partnership interest, in a transaction not involving any public offering.

(g) Any offer or sale of conditional sale agreements, equipment trust certificates, or certificates of interest or participation therein or partial assignments thereof, covering the purchase of railroad rolling stock or equipment or the purchase of motor vehicles, aircraft, or parts thereof, in a transaction not involving any public offering.

(h) Any offer or sale of voting common stock by a corporation incorporated in California if, immediately after the proposed sale and issuance, there will be only one class of stock of such corporation outstanding which is owned beneficially by no more than five persons, provided all of the following requirements have been met:

(1) All such stock shall be evidenced by certificates which shall have stamped or printed prominently on their face a legend in a form to be prescribed by rule of the commissioner restricting transfer of such stock in such manner as the rule provides.

(2) The offer and sale of such stock is not accompanied by the publication of any advertisement, and no selling expenses have been given, paid, or incurred in connection therewith.

(3) The consideration to be received by the issuer for the stock to be issued shall consist of (i) only assets (which may include cash) of an existing business enterprise transferred to the issuer upon its initial organization, of which all of the persons who are to receive the stock to be issued pursuant to this exemption were owners during, and such enterprise was operated for, a period of not less than one year immediately preceding the proposed issuance, and the ownership of such enterprise immediately prior to such proposed issuance was in the same proportions as the shares of stock are to be issued, or (ii) only cash or cancellation of indebtedness for money borrowed or both upon the initial organization of the issuer, provided all such stock is issued for the same price per share, or (iii) only cash, provided the sale is approved in writing by each of the existing shareholders and the purchaser or purchasers are existing shareholders, or (iv), in a case where after the proposed issuance there will be only one owner of the stock of the issuer, any legal consideration.

(4) No promotional consideration has been given, paid, or incurred in connection with such issuance. Promotional consideration means any consideration paid directly or indirectly to a person who, acting alone or in conjunction with one or more other persons, takes the initiative in founding and organizing the business or enterprise of an issuer, for services rendered in connection with such founding or organizing.

(5) A notice in a form prescribed by rule of the commissioner, signed by the proposed issuees of the securities and by the officers and directors of the issuer under penalty of perjury and stating only the name and principal business address of the issuer and the facts required by this subdivision to establish this exemption, shall be filed with or mailed for filing to the commissioner not later than the day on which such securities are issued, which notice shall contain an opinion signed by an active member of the State Bar of California to the effect that on the basis of the facts stated in the notice it is his opinion that the exemption provided by this subdivision is available for the proposed offer and sale of securities.

For the purposes of this subdivision, all securities held by a husband and wife, whether or not jointly, shall be considered to be owned by one person, and all securities held by a corporation which has issued stock pursuant to this exemption shall be considered to be held by its shareholders.

(i) Any offer or sale (1) to a bank, savings and loan association, trust company, insurance company, investment com-

pany registered under the Investment Company Act of 1940, pension or profit-sharing trust (other than a pension or profit-sharing trust of the issuer), or such other institutional investor or governmental agency or instrumentality as the commissioner may designate by rule, whether the purchaser is acting for itself or as trustee, or (2) to any corporation with outstanding securities registered under Section 12 of the Securities Exchange Act of 1934 or any wholly owned subsidiary of such a corporation which after the offer and sale will own directly or indirectly 100 percent of the outstanding capital stock of the issuer; provided the purchaser represents that it is purchasing for its own account (or for such trust account) for investment and not with a view to or for sale in connection with any distribution of the security.

(j) Any offer or sale of any certificate of interest or participation in an oil or gas title or lease (including subsurface gas storage and payments out of production) if (1) all of the purchasers: (i) are and have been during the preceding two years engaged primarily in the business of drilling for, producing, or refining oil or gas (or whose corporate predecessor, in the case of a corporation, has been so engaged), or (ii) are persons described in clause (1) of subdivision (i) of this section, or (iii) have been found by the commissioner upon written application to be substantially engaged in the business of drilling for, producing or refining oil or gas so as not to require the protection provided by this law (which finding shall be effective until rescinded), or (2) such security is concurrently hypothecated to a bank in the ordinary course of business to secure a loan made by such bank; provided each purchaser represents that it is purchasing for its own account for investment and not with a view to or for sale in connection with any distribution of the security.

(k) Any offer or sale of any security under, or pursuant to, a plan of reorganization or arrangement which, pursuant to the provisions of the National Bankruptcy Act, has been confirmed or is subject to confirmation by the decree or order of a court of competent jurisdiction.

(*l*) Any offer or sale of an option, warrant, put, call, or straddle by a person who is not the issuer of the security subject to such right, if the transaction, had it involved an offer or sale of the security subject to such right by such person, would not have violated Section 25130.

25103. The following transactions are exempted from the provisions of Section 25110 and Section 25120:

(a) Any negotiations or agreements prior to general solicitation of shareholders' approval, and subject to such approval, of a change in the rights, preferences, privileges, or restrictions of or on outstanding securities or a merger, consolidation or sale of corporate assets in consideration of the issuance of securities.

(b) Any change in the rights, preferences, privileges, or restrictions of or on outstanding securities, unless the holders

of at least 25 percent of the outstanding shares or units of any class of securities which will be directly or indirectly affected substantially and adversely by such change have addresses in this state according to the records of the issuer.

(c) Any exchange incident to a merger, consolidation, or sale of corporate assets in consideration of the issuance of securities of another corporation, unless at least 25 percent of the outstanding shares of any class, the holders of which are to receive securities of the surviving, consolidated or purchasing corporation, are held by persons who have addresses in this state according to the records of the corporation of which they are shareholders.

(d) For the purposes of subdivision (b) and subdivision (c) of this section, (1) any securities held to the knowledge of the issuer in the names of broker-dealers or nominees of broker-dealers and (2) any securities controlled by any one person who controls directly or indirectly 50 percent or more of the outstanding securities of that class shall not be considered outstanding. The determination of whether 25 percent of the outstanding securities are held by persons having addresses in this state, for the purposes of subdivision (b) and subdivision (c) of this section, shall be made as of the record date for the determination of the security holders entitled to vote on or consent to the action, if approval of such holders is required, or if not as of the date of directors' approval of such action.

(e) Any change (other than a stock split or reverse stock split) in the rights, preferences, privileges, or restrictions of or on outstanding shares, except the following if they substantially and adversely affect any class of shareholders: (1) to authorize the corporation to levy assessments thereon; (2) to change the rights to dividends thereon; (3) to change the redemption provisions; (4) to make them redeemable; (5) to change the amount payable on liquidation; (6) to change the conversion rights; (7) to change the voting rights; (8) to change preemptive rights; (9) to change sinking fund provisions; (10) to rearrange the relative priorities of outstanding shares; (11) to impose or to change restrictions upon the transfer of shares in the articles of incorporation or bylaws; (12) to change the right of shareholders with respect to the calling of special meetings of shareholders; and (13) to change any rights of the shareholders or members of a mutual water company.

(f) Any stock split or reverse stock split, except the following: (1) any stock split or reverse stock split if the corporation has more than one class of voting shares outstanding; (2) any stock split of a stock which is traded in the market and its market price as of the date of directors' approval of the stock split adjusted to give effect to the split was less than two dollars ($2) per share; and (3) any reverse stock split if the stock is not traded in the market and the corporation has the option of paying cash for any fractional shares created by

such reverse split and as a result of such action the proportionate interests of the shareholders would be substantially altered. Any shares issued upon a stock split or reverse stock split exempted by this subdivision shall be subject to any conditions previously imposed by the commissioner applicable to the shares with respect to which they are issued.

(g) Any change in the rights of outstanding debt securities, except the following if they substantially and adversely affect any class of securities: (1) to change the rights to interest thereon; (2) to change their redemption provisions; (3) to make them redeemable; (4) to extend the maturity thereof or to change the amount payable thereon at maturity; (5) to change their voting rights; (6) to change their conversion rights; (7) to change sinking fund provisions; and (8) to make them subordinate to other indebtedness.

25104. The following transactions are exempted from the provisions of Section 25130:

(a) Any offer or sale of a security by the bona fide owner thereof for his own account if the sale (1) is not accompanied by the publication of any advertisement and (2) is not effected by or through a broker-dealer in a public offering.

(b) Any offer or sale effected by or through a licensed broker-dealer pursuant to an unsolicited order or offer to buy. For the purpose of this subdivision (b) an inquiry regarding a written bid for a security or a written solicitation of an offer to sell a security made by another broker-dealer within the previous 60 days, shall not be considered the solicitation of an order or offer to buy.

(c) Any offer or sale to a bank, savings and loan association, trust company, insurance company, investment company registered under the Investment Company Act of 1940, pension or profit-sharing trust (other than a pension or profit-sharing trust of the issuer), or such other institutional investor or governmental agency or instrumentality as the commissioner may designate by rule, whether the purchaser is acting for itself or as trustee; provided the purchaser represents that it is purchasing for its own account (or for such trust account) for investment and not with a view to or for sale in connection with any distribution of the security.

(d) Any transaction or agreement between a person on whose behalf an offering is made and an underwriter or among underwriters, if the sale of the securities is qualified prior to distribution thereof in this state, if any.

(e) Any offer or sale of any security by or for the account of a bona fide secured party selling the security in the ordinary course of business to liquidate a bona fide debt.

(f) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian or conservator.

(g) Any offer (but not a sale) of a security for which a registration statement has been filed under the Securities Act of 1933 but has not yet become effective, if no stop order

or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under Section 8 of that act and no order under Section 25140 or subdivision (a) of Section 25143 is in effect under this law.

(h) Any offer or sale of a security if a qualification under Chapter 2 (commencing with Section 25110) of this part for any securities of the same class has become effective within 18 months prior to such offer or sale or if a qualification under Chapter 3 (commencing with Section 25120) or Chapter 4 (commencing with Section 25130) of this part for any securities of the same class has become effective within 12 months prior to such offer or sale, provided no order under Section 25140 or subdivision (a) of Section 25143 is in effect under this law with respect to such qualification.

25105. There shall be exempted from the provisions of Section 25110, 25120 or 25130 any other transaction which the commissioner by rule exempts as not being comprehended within the purposes of this law and the qualification of which he finds is not necessary or appropriate in the public interest or for the protection of investors.

CHAPTER 2. ISSUER TRANSACTIONS

25110. It is unlawful for any issuer to offer or sell in this state any security issued by it (other than in a transaction subject to Section 25120), whether or not by or through underwriters, unless such sale has been qualified under Section 25111, 25112 or 25113 (and no order under Section 25140 or subdivision (a) of Section 25143 is in effect with respect to such qualification) or unless such security or transaction is exempted under Chapter 1 (commencing with Section 25100) of this part.

25111. (a) Any security for which a registration statement has been filed under the Securities Act of 1933 in connection with the same offering may be qualified by coordination under this section either in an issuer or nonissuer transaction.

(b) An application for qualification under this section shall contain the following information and be accompanied by the following documents, in addition to the information specified in Section 25160 and the consent to service of process required by Section 25165: (1) a copy of the registration statement under the Securities Act of 1933, together with all exhibits (other than exhibits incorporated by reference and those specified by rule of the commissioner, unless requested by the commissioner); and (2) an undertaking to forward to the commissioner all future amendments to the registration statement under the Securities Act of 1933, other than an amendment which merely delays the effective date of the registration statement, promptly and in any event not later than the first business day after the day they are forwarded to or filed with the Securities and Exchange Commission, whichever first oc-

curs. Such application must be filed with the commissioner not later than the fifth business day following filing of the registration statement with the Securities and Exchange Commission, unless such time is extended by order of the commissioner.

(c) Qualification of the sale of securities under this section automatically becomes effective (and the securities may be offered and sold in accordance with the terms of the application as amended) at the moment the federal registration statement becomes effective if all the following conditions are satisfied: (1) no stop order or order under subdivision (a) of Section 25143 is in effect under this law; (2) the application has been on file with the commissioner for at least 10 days; and (3) a statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file for two business days or such shorter period as the commissioner permits by rule or order and the offering is made within those limitations. The applicant shall promptly notify the commissioner by telephone or telegram of the date and time when the federal registration statement became effective and the content of the price amendment, if any, and shall promptly file a posteffective amendment to the application containing the information and documents in the price amendment. "Price amendment" means the final federal amendment which includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, interest, dividend or conversion rates, call prices and other matters related to the offering price. Upon failure to receive the required notification and posteffective amendment with respect to the price amendment, the commissioner may enter a stop order, without notice or hearing, retroactively denying effectiveness to the application for qualification or suspending its effectiveness until compliance with this subdivision, if he promptly notifies the applicant by telephone or telegram (and promptly confirms by letter or telegram when he notifies by telephone) of the issuance of the order. If the applicant proves compliance with the requirements of this subdivision as to notice and posteffective amendment, the stop order is void as of the time of its entry. The commissioner may by rule or order waive either or both of the conditions specified in clauses (2) and (3) of this subdivision. If the federal registration statement becomes effective before all the conditions in this subdivision are satisfied and they are not waived, the application for qualification automatically becomes effective as soon as all the conditions are satisfied. If the applicant advises the commissioner of the date when the federal registration statement is expected to become effective, the commissioner shall promptly advise the applicant by telephone or telegram, at the applicant's expense, whether all the conditions are satisfied and whether he then contemplates the institution of a proceeding under Section

25140 or 25143; but this advice by the commissioner does not preclude the institution of such a proceeding at any time.

25112. (a) Any security issued by a person which is the issuer of any security registered under Section 12 of the Securities Exchange Act of 1934 or issued by an investment company registered under the Investment Company Act of 1940, and which is not eligible for qualification under Section 25111, may be qualified by notification under this section.

(b) An application for qualification under this section shall contain such information and be accompanied by such documents as shall be required by rule of the commissioner, in addition to the information specified in Section 25160 and the consent to service of process required by Section 25165. For this purpose, the commissioner may classify issuers and types of securities.

(c) If no stop order or order under subdivision (a) of Section 25143 is in effect under this law, qualification of the sale of the securities under this section automatically becomes effective (and the securities may be offered and sold in accordance with the terms of the application as amended) at 12 o'clock noon California time of the 10th business day after the filing of the application or the last amendment thereto or at such earlier time as the commissioner determines.

25113. (a) All securities, whether or not eligible for qualification by coordination under Section 25111 or qualification by notification under Section 25112, may be qualified by permit under this section.

(b) An application for a permit under this section shall contain such information and be accompanied by such documents as shall be required by rule of the commissioner, in addition to the information specified in Section 25160 and the consent to service of process required by Section 25165. For this purpose, the commissioner may classify issuers and types of securities.

(c) Qualification of securities under this section becomes effective upon the commissioner issuing a permit authorizing the issuance of such securities.

25114. Every qualification under this chapter is effective for 12 months from its effective date, unless the commissioner by order or rule specifies a different period, except during the time an order under Section 25140 or subdivision (a) of Section 25143 is in effect.

25115. Every application for qualification of an issuer transaction under this chapter shall be signed and verified by the issuer; every application for qualification of a nonissuer transaction under Section 25111 shall be signed and verified by the person on whose behalf the offering is being made.

CHAPTER 3. RECAPITALIZATIONS AND REORGANIZATIONS

25120. It is unlawful for any issuer to offer or sell in this state any security issued by it in connection with any change

in the rights, preferences, privileges, or restrictions of or on outstanding securities or in any exchange of securities by the issuer with its existing security holders exclusively or in any exchange in connection with any merger or consolidation or purchase of corporate assets in consideration wholly or in part of the issuance of securities, unless the security is qualified for sale under this chapter (and no order under Section 25140 or subdivision (a) of Section 25143 is in effect with respect to such qualification) or unless such security or transaction is exempted under Chapter 1 (commencing with Section 25100) of this part.

25121. The securities qualified for sale under this chapter shall be qualified by permit under this section. The application for the permit shall be signed and verified by the issuer and shall contain such information and be accompanied by such documents as shall be required by rule of the commissioner, in addition to the information specified in Section 25160 and the consent to service of process required by Section 25165. For this purpose, the commissioner may classify issuers and types of securities and transactions.

25122. Qualification of securities under this chapter becomes effective upon the commissioner issuing a permit authorizing the issuance of such securities.

CHAPTER 4. NONISSUER TRANSACTIONS

25130. It is unlawful for any person to offer or sell any security in this state in any nonissuer transaction unless it is qualified for such sale under this chapter or under Section 25111 of Chapter 2 (commencing with Section 25110) of this part (and no order under Section 25140 or subdivision (a) of Section 25143 is in effect with respect to such qualification) or unless such security or transaction is exempted under Chapter 1 (commencing with Section 25100) of this part.

25131. (a) The securities to be offered or sold in a nonissuer transaction, which are not eligible for qualification under Section 25111, shall be qualified by notification under this section.

(b) The application for qualification by notification under this section shall be signed and verified by the person on whose behalf the offering is being made or by the issuer or by any broker-dealer and shall contain such information and be accompanied by such documents as shall be required by rule of the commissioner, in addition to the information specified in Section 25160 and the consent to service of process required by Section 25165. For this purpose, the commissioner may classify issuers and types of securities.

(c) If no stop order or order under subdivision (a) of Section 25143 is in effect under this law, a qualification under this section automatically becomes effective (and the securities may be offered and sold in accordance with the terms of the application as amended) at 12 o'clock noon California time on

the 10th business day after the filing of the application or the last amendment thereto or at such earlier time as the commissioner determines.

(d) Information may not be required under this section unless it is known to the person filing the application or to the persons on whose behalf the distribution is to be made, or can be furnished by them without unreasonable effort or expense.

25132. Every qualification under this chapter and every qualification of a nonissuer transaction under Section 25111 is effective for 12 months from its effective date, except during the time a stop order under Section 25140 or an order under subdivision (a) of Section 25143 is in effect. A qualification under this chapter may be withdrawn only in the discretion of the commissioner. The commissioner may by rule or order extend the effective period of any qualification under this chapter.

25133. It is unlawful for any person without the written consent of the commissioner to consummate the transfer of any securities heretofore or hereafter placed in escrow pursuant to a condition ordered by the commissioner and which have not been released from escrow, or which are subject to a currently effective legend condition requiring such consent (except as permitted therein), or which are issued pursuant to the exemption in subdivision (h) of Section 25102 (except as permitted by rule or order of the commissioner).

CHAPTER 5. AUTHORITY OF THE COMMISSIONER

25140. (a) The commissioner may issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, any qualification of securities under Section 25111, 25112 or 25131 or may suspend or revoke any permit issued under Section 25113 or 25122 if he finds (1) that the order is in the public interest and (2) that the proposed plan of business of the issuer or the proposed issuance or sale of securities is not fair, just, or equitable, or that the issuer does not intend to transact its business fairly and honestly, or that the securities proposed to be issued or the method to be used in issuing them will tend to work a fraud upon the purchaser thereof.

(b) The commissioner may refuse to issue a permit under Section 25113 unless he finds that the proposed plan of business of the applicant and the proposed issuance of securities are fair, just, and equitable, that the applicant intends to transact its business fairly and honestly, and that the securities which it proposes to issue and the methods to be used by it in issuing them are not such as, in his opinion, will work a fraud upon the purchaser thereof.

(c) The commissioner may refuse to issue a permit under Section 25122 unless he finds that the proposed plan of recapitalization or reorganization and the proposed issuance of

securities are fair, just, and equitable to all security holders affected.

(d) Notwithstanding the provisions of subdivisions (a) and (b) of this section, the commissioner shall not have authority to issue any stop order or to refuse to issue or to suspend or revoke any permit on the basis that the price at which the security is to be offered is unfair, unjust or inequitable in any case where the security is being publicly offered for cash pursuant to a registration statement under the Securities Act of 1933 and the offering is the subject of a firm commitment underwriting by an underwriter or syndicate of underwriters all of whom are registered under the Securities Exchange Act of 1934. For the purposes of this subdivision a firm commitment underwriting means an underwriting pursuant to which the underwriter or syndicate of underwriters is committed to take up and pay for the securities subject only to the usual or customary conditions, but not including any "market out" or similar condition operative after the time of commencement of the offering. (A condition relating to the suspension of all trading on a national securities exchange, a banking holiday, war, civil insurrection, or the like is not a "market out" or similar condition within the meaning of this subdivision.) Nothing contained in this subdivision shall deny authority to the commissioner to issue a stop order or to refuse to issue or to suspend or revoke a permit because of unreasonable discounts, commissions or other compensation to underwriters, sellers or others, unreasonable promoters' profits or participations or unreasonable amounts or kinds of options.

25141. The commissioner may impose as a condition of qualification under Chapter 2 (commencing with Section 25110) or Chapter 3 (commencing with Section 25120) of this part conditions requiring the deposit in escrow of securities, imposing a legend condition restricting the transferability thereof, impounding the proceeds from the sale thereof, limiting the expense in connection with the sale thereof, requiring the waiver of assets, dividends or voting rights by the holders of promotional securities, or any other condition if the commissioner finds that without such condition the offering will be unfair, unjust or inequitable. The commissioner may in his discretion modify or remove any such conditions or any legend condition imposed by subdivision (h) of Section 25102 when in his opinion they are no longer necessary or appropriate.

25142. When application is made for a permit to issue securities (whether or not the security or transaction is exempt from qualification) in exchange for one or more bona fide outstanding securities, claims, or property interests, or partly in such exchange and partly for cash, the commissioner is expressly authorized to approve the terms and conditions of such issuance and exchange and the fairness of such terms and conditions, and is expressly authorized to hold a hearing upon the fairness of such terms and conditions, at which all persons

to whom it is proposed to issue securities in such exchange have the right to appear.

25143. (a) The commissioner may by order summarily postpone or suspend the effectiveness of any qualification pending final determination of any proceeding under this chapter. Upon the entry of the order, the commissioner shall promptly notify each person specified in subdivision (b) of this section that it has been entered and of the reasons therefor and that upon the receipt of a written request the matter will be set down for hearing to commence within 15 days after such receipt unless the applicant consents to a later date. If no hearing is requested and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice and hearing in accordance with subdivision (b) of this section, may modify or vacate the order or extend it until final determination.

(b) No stop order may be entered under this chapter except under subdivision (a) of this section without appropriate prior notice to the applicant, the issuer, and the person on whose behalf the securities are to be or have been offered and hearing in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, in connection with which the commissioner shall have all of the powers granted thereunder. In the case of qualification by permit, such hearing shall be held upon such notice within 20 days after a written request therefor by the applicant unless the permit is issued prior to the expiration of such period or the applicant consents to a later date.

25144. The commissioner may vacate or modify a stop order if he finds that the conditions which caused its entry have changed or that it is otherwise in the public interest to do so.

25145. Every issuer qualifying securities for sale in this state shall at all times keep and maintain a complete set of books, records, and accounts of such sales and the disposition of the proceeds thereof, and shall thereafter, at such times as are required by the commissioner, make and file in the office of the commissioner a report, setting forth the securities sold by it under such qualification, the proceeds derived therefrom and the disposition thereof.

25146. For a period of 18 months after the qualification is effective, the commissioner may by rule or order require an issuer who has filed an application to file reports not more often than semiannually for the purpose of keeping reasonably current the information contained in the application; provided, that the commissioner may not require the filing of any such report after completion of the offering if a nonissuer transaction in the security would be entitled to exemption under subdivision (a) of Section 25101.

25147. The commissioner may by rule or order require as a condition of qualification that any security qualified under Section 25113 be sold only on a specified form of subscription or sale contract, and that a signed or conformed copy of each contract be preserved for any period up to three years specified in the rule or order.

25148. Except in cases where the delivery of a prospectus or proxy statement is required under the Securities Act of 1933 or the Securities Exchange Act of 1934, the commissioner may by rule or order require as a condition of qualification under Section 25112, 25113, 25122 or 25131 that a prospectus or proxy statement containing any designated part of the information required in the application be sent or given to each person to whom an offer is made before or concurrently with:

(1) The first written offer made to him (otherwise than by means of a public advertisement) by or for the account of the issuer or any other person on whose behalf the offering is being made or by any underwriter or broker-dealer who is offering part of an unsold allotment or subscription taken by him as a participant in the distribution,

(2) The written confirmation of any sale made by or for the account of any such person,

(3) Payment pursuant to any such sale, or

(4) Delivery of the security pursuant to any such sale, whichever first occurs.

25149. The commissioner may act as escrow holder for securities required to be deposited in escrow by his order.

25150. The commissioner may accept and act upon the opinions, appraisements and reports of any engineers, appraisers, or other experts which may be presented by an applicant on any question of fact concerning or affecting the securities proposed to be offered and sold. In lieu of, or in addition to, such opinions, appraisements, and reports, the commissioner may have any or all matters concerning or affecting such securities investigated, appraised, passed upon and certified to him by engineers, appraisers, or other experts selected by him.

25151. Upon the filing of a written request for the consent to transfer securities referred to in Section 25133, accompanied by such information and documents as the commissioner may by rule require, the commissioner shall issue such consent if he finds that the transfer requested will be fair, just, and equitable to the proposed transferees, and otherwise he shall deny such consent.

CHAPTER 6. GENERAL PROVISIONS

25160. Every application for qualification shall state (1) the maximum amount of securities proposed to be offered in this state; and (2) any adverse order, judgment, or decree entered in connection with the offering by the regulatory authority in any state or by any court or by the Securities and

Exchange Commission. Verification of an application shall be in the manner provided in the Code of Civil Procedure for the verification of pleadings. All information required to be included in an application shall be true and complete as of the time the qualification of the sale of securities becomes effective; and an applicant shall promptly supply by amendment prior to the effectiveness of such qualification any information based on facts occurring after the original date of filing which is necessary to supplement or correct the information contained in the original application so as to make such information not materially misleading as of the effective date of such qualification.

25161. Any document filed under this law or a predecessor statute may be incorporated by reference in a subsequent application if it was filed within four years prior to the filing of the application, or is otherwise available in the files of the commissioner, to the extent that the document is currently accurate.

25162. An amendment to an application filed after the effective date of the qualification of the sale of securities, if such amendment is approved by the commissioner, shall become effective on such date as the commissioner may determine, having due regard to the public interest and the protection of investors.

25163. In any proceeding under this law, the burden of proving an exemption or an exception from a definition is upon the person claiming it.

25164. (a) Neither (1) the fact that an application for qualification under this law has been filed nor (2) the fact that such qualification has become effective constitutes a finding by the commissioner that any document filed under this law is true, complete, or not misleading. Neither any such fact nor the fact that an exemption is available for a security or a transaction means that the commissioner has passed in any way upon the merits or qualifications of, or recommended or given approval to, any person, security or transaction (except as provided in Section 25142).

(b) It is unlawful to make or cause to be made to any prospective purchaser any representation inconsistent with subdivision (a) of this section.

(c) Every permit issued by the commissioner shall recite in bold type that the issuance thereof is permissive only and does not constitute a recommendation or endorsement of the securities permitted to be issued.

25165. Every applicant for qualification of securities under this law (other than a California corporation or a person licensed as a broker-dealer in this state) shall file with the commissioner, in such form as he by rule prescribes, an irrevocable consent appointing the commissioner or his successor in office to be his attorney to receive service of any lawful process in any noncriminal suit, action or proceeding against him or his successor, executor or administrator, which arises under this

law or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous qualification under this law (or application for a permit under any prior law if the application under this law states that such consent is still effective) need not file another. Service may be made by leaving a copy of the process in the office of the commissioner but it is not effective unless (1) the plaintiff, who may be the commissioner in a suit, action or proceeding instituted by him, forthwith sends notice of the service and a copy of the process by registered or certified mail to the defendant or respondent at his last address on file with the commissioner, and (2) the plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

25166. It is unlawful for any person willfully to make any untrue statement of a material fact in any application, notice, or report filed with the commissioner under this part, or willfully to omit to state in any such application, notice, or report any material fact which is required to be stated therein.

PART 3. REGULATION OF AGENTS, BROKER-DEALERS AND INVESTMENT ADVISERS

CHAPTER 1. EXEMPTIONS

25200. A broker-dealer registered under the Securities Exchange Act of 1934, who has not previously had any certificate denied or revoked under this law or any predecessor statute, shall be exempted from the provisions of Section 25210 if he has no place of business in this state and he does not direct offers to sell or buy into this state in any manner to persons other than broker-dealers. banks, savings and loan associations, trust companies, insurance companies. investment companies registered under the Investment Company Act of 1940, pension or profit-sharing trusts. or other institutional investors or governmental agencies or instrumentalities designated by rule of the commissioner, or to more than 15 other customers having an existing account with such broker-dealer prior to any offer made to them in this state. during any period of 12 consecutive months, whether or not the offeror or any of the offerees is then present in this state.

25201. An agent shall be exempted from the provisions of Section 25210 insofar as he effects transactions on behalf of a broker-dealer who is exempted by the provisions of Section 25200.

25202. A person registered under the Investment Advisers Act of 1940, who has not previously had any certificate denied or revoked under this law or any predecessor statute, shall be exempted from the provisions of Section 25230 if he has no place of business in this state and (a) his only clients in this

state are other investment advisers, broker-dealers, banks, savings and loan associations, trust companies, insurance companies, investment companies registered under the Investment Company Act of 1940, pension or profit-sharing trusts, or other institutional investors or governmental agencies or instrumentalities designated by rule of the commissioner, or (b) during any period of 12 consecutive months he does not direct business communications into this state in any manner to more than five clients other than those specified in clause (a) above, whether or not he or any of the persons to whom the communications are directed is then present in this state.

25203. A person whose only clients are investment companies registered under the Investment Company Act of 1940 or insurance companies or both shall be exempted from the provisions of Section 25230.

25204. The commissioner may by such rules as he deems necessary or appropriate in the public interest or for the protection of investors, either unconditionally or upon specified terms and conditions or for specified periods, exempt from the provisions of Section 25210 or Section 25230 any class of persons specified in such rules.

CHAPTER 2. LICENSING OF AGENTS AND BROKER-DEALERS

25210. Unless exempted under the provisions of Chapter 1 (commencing with Section 25200) of this part, no broker-dealer or agent shall effect any transaction in, or induce or attempt to induce the purchase or sale of, any security in this state unless such broker-dealer or such agent has first applied for and secured from the commissioner a certificate, then in effect, authorizing such person to act in that capacity.

25211. (a) The application for a certificate as an agent or as a broker-dealer shall be accompanied by the consent to service of process specified in Section 25240 and shall contain such information in such detail relating to the applicant and any persons associated with him as the commissioner may by rule require.

(b) An application for a certificate as a broker-dealer, with respect to a broker-dealer to be formed or organized, may be made by a licensed broker-dealer to which the broker-dealer to be formed or organized is to be the successor. Such application shall contain such information in such detail relating to the applicant and to the successor and any person associated with the applicant or the successor as the commissioner may by rule require. Such application shall become effective and the successor may transact business as a broker-dealer 30 days after the receipt of such application by the commissioner or within such shorter period of time as the commissioner may determine, unless an order has been entered under Section 25212 denying a certificate to the successor or a proceeding looking toward such an order has been instituted under that section. Such certificate shall terminate on the 45th day after the effec-

tive date thereof, unless prior thereto the successor shall, in accordance with such rules as the commissioner may prescribe, adopt such application as its own and file the consent to service of process specified in Section 25240.

25212. The commissioner may, after appropriate notice and opportunity for hearing, by order censure, deny a certificate to, suspend for a period not exceeding 12 months or revoke the certificate of, any broker-dealer if he finds that such censure, denial, suspension, or revocation is in the public interest and that such broker-dealer, whether prior or subsequent to becoming such, or any partner, officer, director, or branch manager of such broker-dealer, whether prior or subsequent to becoming associated with such broker-dealer, or any person directly or indirectly controlling such broker-dealer, whether prior or subsequent to becoming such, or any agent employed by such broker-dealer while so employed:

(a) Has willfully made or caused to be made in any application for a certificate or in any report required to be filed with the commissioner under this law, or in any proceeding before the commissioner, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has willfully omitted to state in any such application or report any material fact which is required to be stated therein; or

(b) Has been either (1) convicted of a felony or misdemeanor, or (2) held liable in a civil action by final judgment of a court based upon conduct showing moral turpitude, and the commissioner finds that any such felony, misdemeanor or civil action (i) involved the purchase or sale of any security, (ii) arose out of the conduct of the business of a broker-dealer or investment adviser, (iii) involved embezzlement, fraudulent conversion or misappropriation of property, funds or securities, or (iv) involved the violation of Section 1341, 1342 or 1343 of Title 18 of the United States Code; or

(c) Is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, or broker-dealer, or as an affiliated person or employee of any investment company, bank or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity or in connection with the purchase or sale of any security; or

(d) Is subject to any currently effective order of the Securities and Exchange Commission or the securities administrator of any other state denying registration to or revoking or suspending the registration of such person as a broker or dealer or investment adviser or is subject to any currently effective order of any national securities association or national securities exchange (as defined in the Securities Exchange Act of 1934) suspending or expelling such person from membership in such association or exchange; or

(e) Has willfully violated any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, or Title 4 (commencing with Section 25000) of this code, or of any rule or regulation under any of such statutes; or

(f) Has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any of the statutes or rules or regulations referred to in subdivision (e) above, or has failed reasonably to supervise, with a view to preventing violations of such statutes, rules and regulations, another person who commits such a violation, if such other person is subject to his supervision; for the purposes of this subdivision, no person shall be deemed to have failed reasonably to supervise any person if (1) there have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and (2) such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with; or

(g) Is subject to any currently effective order of the commissioner entered pursuant to Section 25213 revoking or suspending the certificate of such person as an agent.

25213. The commissioner may, after appropriate notice and opportunity for hearing, by order censure, deny a certificate to, suspend for a period not exceeding 12 months or revoke the certificate of, any agent if he finds that such censure, denial, suspension, or revocation is in the public interest and that such agent has committed or omitted any act or omission enumerated in subdivision (a), (e) or (f) of Section 25212 or has been convicted of any offense or held liable in any civil action specified in subdivision (b) of Section 25212 or is enjoined from any act, conduct or practice specified in subdivision (c) of Section 25212 or is subject to any order specified in subdivision (d) of Section 25212.

25214. It is unlawful for any person, as to whom an order suspending or revoking his certificate as an agent is in effect, willfully to become or to be employed by any broker-dealer, without the consent of the commissioner; and it is unlawful for any broker-dealer to permit such a person to become or to remain a person employed by him, without the consent of the commissioner, if such broker-dealer knew, or in the exercise of reasonable care should have known, of such order.

25215. No order may be entered under Section 25212 or Section 25213 except after notice to any person affected thereby (and, in the case of an agent, to his employer or prospective employer if known to the commissioner) of the intention of the commissioner to enter such order and of the reasons therefor and that upon receipt of a request the matter will be set down for hearing to commence within 15 days after

such receipt unless the person affected consents to a later date. If no hearing is requested within 30 days after the mailing of such notice and none is ordered by the commissioner, the order may be entered without hearing to remain in effect until it is modified or vacated by the commissioner. In the case of an original application for a certificate, such a hearing must be set down to commence within 15 days after receipt of a written request by the applicant made 30 days or more after the filing of the application, even though no such notice by the commissioner has been given, unless the applicant consents to a later date. If a hearing is requested or ordered, it shall be held in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all of the powers granted thereunder.

25216. (a) No broker-dealer or agent shall effect any transaction in, or induce or attempt to induce the purchase or sale of, any security in this state by means of any manipulative, deceptive or other fraudulent scheme, device, or contrivance. The commissioner shall, for the purposes of this subdivision, by rule define such schemes, devices or contrivances as are manipulative, deceptive, or otherwise fraudulent.

(b) No broker-dealer or agent shall effect any transaction in, or induce or attempt to induce the purchase or sale of, any security in this state in connection with which such broker-dealer or agent engages in any fraudulent, deceptive or manipulative act or practice or makes any fictitious quotation. The commissioner shall, for the purposes of this subdivision, by rule define and prescribe means reasonably designed to prevent such acts and practices as are fraudulent, deceptive, or manipulative and such quotations as are fictitious.

(c) No broker-dealer or agent shall effect any transaction in, or induce or attempt to induce the purchase or sale of, any security in this state in contravention of such rules as the commissioner may prescribe as necessary or appropriate in the public interest or for the protection of investors to provide safeguards with respect to the financial responsibility of broker-dealers. Such rules may require a minimum capital for broker-dealers or prescribe a ratio between net capital and aggregate indebtedness or both.

(d) No broker-dealer or agent shall effect or attempt to effect in this state, in contravention of such rules as the commissioner may prescribe as necessary or appropriate in the public interest or for the protection of investors, (1) any transaction in connection with any security whereby any party to such transaction acquires any put, call, straddle, or other option or privilege of buying or selling the security, or (2) any transaction in connection with any security with relation to which he has, directly or indirectly, any interest in any such put, call, straddle, option, or privilege, or (3) any transaction in any security for the account of any person who he

has reason to believe has, and who actually has, directly or indirectly, any interest in any such put, call, straddle, option, or privilege with relation to such security.

(e) The commissioner may by rule require any licensed broker-dealer and any issuer who employs agents in connection with any security or transaction not exempted by Chapter 1 (commencing with Section 25100) of Part 2 of this division to post a surety bond in an amount not exceeding ten thousand dollars ($10,000), conditioned that the licensee or issuer will comply with the provisions of this law and the rules and orders issued thereunder. Such bond, unless previously canceled, shall cover for the entire period that the license is in effect. Any appropriate deposit of cash or securities shall be accepted in lieu of any such bond. Every bond shall provide that no suit may be maintained to enforce any liability thereon unless brought within two years after the contract of sale or other act upon which such suit is based and shall also provide that the liability of the surety on such bond to all persons aggrieved shall, in no event, exceed in the aggregate the amount thereof. Every such bond shall also contain a provision authorizing the surety thereon to cancel it upon 30 days written notice to the licensee and to the commissioner; provided, however, that such cancellation shall not affect any liability incurred or accrued prior to the effective date of such cancellation.

25217. (a) No broker-dealer licensed under this chapter shall, during any period when he is not registered under the Securities Exchange Act of 1934, effect any transaction in, or induce or attempt to induce the purchase or sale of, any security in this state unless such broker-dealer and all agents employed by him meet such specified and appropriate standards with respect to training, experience, and other qualifications as the commissioner finds necessary or desirable. The commissioner may establish such standards by rules, which may: (1) appropriately classify broker-dealers and agents (taking into account relevant matters, including types of business done and nature of securities sold); (2) specify that all or any portion of such standards shall be applicable to any such class; (3) require persons in any such class to pass examinations prescribed in accordance with such rules; and (4) provide that persons in any such class, other than a broker-dealer and partners, officers and supervisory employees (which term may be defined by the commissioner's rules and as so defined shall include branch managers of broker-dealers) of broker-dealers, may be qualified solely on the basis of compliance with such specified standards of training and such other qualifications as the commissioner finds appropriate.

(b) In addition to the fees imposed by Section 25608, the commissioner may prescribe by rule reasonable fees and charges to defray his costs in carrying out this section, including, but not limited to, fees for any examination administered by him or under his direction. The commissioner may cooperate with national securities associations and national securities ex-

changes and with the Securities and Exchange Commission in administering examinations and may require broker-dealers and agents to pass examinations administered by or on behalf of any such association or exchange or by the Securities and Exchange Commission and to pay to such association or exchange or such commission reasonable fees or charges to defray the costs incurred by such association or exchange or commission in administering such examinations.

25218. (a) No broker-dealer licensed under this chapter, during any period when he is not registered under the provisions of the Securities Exchange Act of 1934, shall effect any transaction in, or induce or attempt to induce the purchase or sale of, any security in this state in contravention of such rules as the commissioner may prescribe designed to promote just and equitable principles of trade, to provide safeguards against unreasonable profits or unreasonable rates of commissions or other charges, and in general to protect investors and the public interest, and to remove impediments to and perfect the mechanism of a free and open market.

(b) In addition to the fees and charges authorized by Section 25217 and imposed by Section 25608, each broker-dealer licensed under this chapter who is not registered under the Securities Exchange Act of 1934 shall pay to the commissioner such reasonable fees and charges as may be necessary to defray the costs of additional regulatory duties required to be performed by the commissioner because such broker-dealer is not registered under the Securities Exchange Act of 1934. The commissioner shall establish such fees and charges by rule.

25219. Notwithstanding any other provision of this division, if in his opinion the public interest and the protection of investors so require, the commissioner is authorized summarily to suspend all over-the-counter trading in this state by broker-dealers and agents in any security or summarily to suspend all trading on a national securities exchange located in this state in any security (provided, in the case of trading on such exchange, that the security is not listed on any national securities exchange located outside this state on which trading has not been suspended) for a period not exceeding 10 days, and for successive periods of 10 days. No broker-dealer or agent shall effect any transaction (other than an unsolicited brokerage transaction effected on a national securities exchange located outside this state) in, or induce or attempt to induce the purchase or sale of, any security in this state in which trading is in any manner suspended under this section, except in performance of a contract previously entered into.

25220. At any time after the issuance of an order under Section 25219, any interested person (including, but not limited to, the issuer of the security and any broker-dealer who has been making a market in the security) may in writing

request that the suspension of trading be rescinded. Upon the receipt of such a written request, the matter shall be set down for hearing to commence within 15 days after such receipt unless the person making the request consents to a later date. After such hearing, which shall be conducted in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and in connection with which the commissioner shall have all of the powers granted thereunder, the commissioner may order such suspension to be continued until modified or rescinded by further order of the commissioner if he finds that trading in the security will be unfair, unjust, or inequitable to investors or will tend to work a fraud upon the purchasers or sellers of such security. Otherwise, he shall rescind the suspension of trading and no further orders may be entered under Section 25219 with respect to the same security in the absence of changed circumstances justifying such order.

CHAPTER 3. LICENSING OF INVESTMENT ADVISERS

25230. It is unlawful for any investment adviser to conduct his business as an investment adviser in this state unless he has first applied for and secured from the commissioner a certificate, then in effect, authorizing him to do so or unless he is exempted by the provisions of Chapter 1 (commencing with Section 25200) of this part.

25231. Any investment adviser, or any person who contemplates becoming an investment adviser, may apply for a certificate to act as such by filing with the commissioner an application. Such application shall be accompanied by the consent to service of process specified in Section 25240 and shall contain such information, in such form and detail, as the commissioner may by rule prescribe.

25232. The commissioner may, after appropriate notice and opportunity for hearing, by order censure, deny a certificate to, or suspend for a period not exceeding 12 months or revoke the certificate of, an investment adviser, if he finds that such censure, denial, suspension, or revocation is in the public interest and that such investment adviser, whether prior or subsequent to becoming such, or any partner, officer or director thereof or any person performing similar functions or any person directly or indirectly controlling such investment adviser, whether prior or subsequent to becoming such, or any employee of such investment adviser while so employed:

(a) Has willfully made or caused to be made in any application for a certificate or any report filed with the commissioner under this law, or in any proceeding before the commissioner, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has willfully omitted

to state in any such application or report any material fact which is required to be stated therein; or

(b) Has been either (1) convicted of any felony or misdemeanor, or (2) held liable in a civil action by final judgment of a court based upon conduct showing moral turpitude, and the commissioner finds that any such felony, misdemeanor or civil action (i) involved the purchase or sale of any security, (ii) arose out of the conduct of the business of a broker-dealer or investment adviser, (iii) involved embezzlement, fraudulent conversion, or misappropriation of property, funds or securities, or (iv) involved the violation of Section 1341, 1342 or 1343 of Title 18 of the United States Code; or

(c) Is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter or broker-dealer or as an affiliated person or employee of any investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security; or

(d) Is subject to any currently effective order of the Securities and Exchange Commission or the securities administrator of any other state revoking or suspending his registration as an investment adviser or as a broker or dealer or is subject to any currently effective order of any national securities association or national securities exchange (as defined in the Securities Exchange Act of 1934) suspending or expelling him from membership in such association or exchange; or

(e) Has willfully violated any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, or Title 4 (commencing with Section 25000) of this code, or of any rule or regulation under any of such statutes; or

(f) Has aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any statute or rule or regulation referred to in subdivision (e).

25233. No order may be entered under Section 25232 except after notice to the person affected thereby of the intention of the commissioner to enter such order and of the reasons therefor and that upon receipt of a request the matter will be set down for hearing to commence within 15 days after such receipt unless the person affected consents to a later date. If no hearing is requested within 30 days after the mailing of such notice and none is ordered by the commissioner, the order may be entered without hearing to remain in effect until it is modified or vacated by the commissioner. In the case of an original application for a certificate, such a hearing must be set down to commence within 15 days after receipt of a written request by the applicant made 30 days or more after the filing of the application, even though no such notice by the commissioner has been given, unless the applicant consents to a later date. If a hearing is requested or ordered, it shall be held in

accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all of the powers granted thereunder.

25234. (a) No investment adviser shall in this state enter into, extend or renew any investment advisory contract, or in any way perform any investment advisory contract entered into, extended or renewed on or after the effective date of this law, if such contract:

(1) Provides for compensation to the investment adviser on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client, except as may be permitted by rule of the commissioner;

(2) Fails to provide, in substance, that no assignment of such contract shall be made by the investment adviser without the consent of the other party to the contract; or

(3) Fails to provide, in substance, that the investment adviser, if a partnership, will notify the other party to the contract of any change in the membership of such partnership within a reasonable time after such change.

(b) As used in this section, "investment advisory contract" means any contract or agreement whereby a person agrees to act as investment adviser or to manage any investment or trading account for a person other than an investment company. Clause (1) of subdivision (a) of this section does not prohibit an investment advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period, or as of definite dates, or taken as of a definite date.

25235. It is unlawful for any investment adviser, directly or indirectly, in this state:

(a) To employ any device, scheme, or artifice to defraud any client or prospective client.

(b) To engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon any client or prospective client.

(c) Acting as principal for his own account, knowingly to sell any security to or purchase any security from a client for whom he is acting as investment adviser, or, acting as broker for a person other than such client, knowingly to effect any sale or purchase of any security for the account of such client, without disclosing to such client in writing before the completion of the transaction the capacity in which he is acting and obtaining the written consent of the client to such transaction.

(d) To engage in any act, practice, or course of business which is fraudulent, deceptive, or manipulative. The commissioner shall, for the purpose of this subdivision, by rule define and prescribe means reasonably designed to prevent such acts,

practices, and courses of business as are fraudulent, deceptive, or manipulative.

(e) To represent that he is an investment counsel or to use the name "investment counsel" as descriptive of his business unless his principal business consists of acting as investment adviser and a substantial part of his business consists of rendering investment advisory services on the basis of the individual needs of his clients.

25236. (a) No investment adviser licensed under this chapter shall conduct any business as such investment adviser in this state unless the investment adviser and all natural persons associated with such investment adviser meet such specified and appropriate standards with respect to training, experience and other qualifications as the commissioner finds necessary or desirable. The commissioner may establish such standards by rule, which may

(1) Appropriately classify investment advisers and persons associated with investment advisers;

(2) Specify that all or any portion of such standards shall be applicable to any such class; and

(3) Require persons in any such class to pass examinations prescribed in accordance with such rules.

(b) In addition to the fees imposed by Section 25608, the commissioner may prescribe by rule reasonable fees and charges to defray the costs of carrying out this section, including, but not limited to, fees for any examination administered by him or under his direction.

25237. The commissioner shall prescribe such rules with respect to investment advisers who have custody of their clients' securities or funds or who have any power of attorney from their clients to execute transactions as he finds to be necessary or appropriate in the public interest or for the protection of investors. Such rules may require a minimum capital for such investment advisers or prescribe a minimum ratio between net capital and aggregate indebtedness or both, and may require a surety bond in an amount not exceeding ten thousand dollars ($10,000). All of the provisions of subdivision (e) of Section 25216 shall be applicable to such bond.

CHAPTER 4. GENERAL PROVISIONS

25240. Every applicant for a certificate as an agent, a broker-dealer, or an investment adviser (other than a California corporation) shall file with the commissioner, in such form as he by rule prescribes, an irrevocable consent appointing the commissioner or his successor in office to be his attorney to receive service of any lawful process in any noncriminal suit, action or proceeding against him or his successor, executor, or administrator, which arises under this law or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in

connection with a previous application under this law (or under any prior law if the application states that such consent is still effective) need not file another. Service may be made by leaving a copy of the process in the office of the commissioner, but it is not effective unless (1) the plaintiff, who may be the commissioner in a suit, action or proceeding instituted by him, forthwith sends notice of the service and a copy of the process by registered or certified mail to the defendant or respondent at his last address on file with the commissioner, and (2) the plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

25241. Every broker-dealer and every investment adviser shall make and keep such accounts, correspondence, memoranda, papers, books, and other records and shall file such financial and other reports as the commissioner by rule requires. All records so required shall be preserved for the time specified in the rule. All records referred to in this section are subject at any time and from time to time to such reasonable periodic, special, or other examinations by the commissioner, within or without this state, as the commissioner deems necessary or appropriate in the public interest or for the protection of investors. For the purpose of avoiding unnecessary duplications of examinations, the commissioner, insofar as he deems it practicable in administering this section, may cooperate with the securities administrators of other states, the Securities and Exchange Commission and any national securities exchange or national securities association.

25242. (a) Surrender of a certificate as a broker-dealer or agent or investment adviser becomes effective 30 days after receipt of an application to surrender such certificate or within such shorter period of time as the commissioner may determine, unless a revocation or suspension proceeding is pending when the application is filed or a proceeding to revoke or suspend or to impose conditions upon the withdrawal is instituted within 30 days after the application is filed. If such a proceeding is pending or instituted, withdrawal becomes effective at such time and upon such conditions as the commissioner by order determines.

(b) If the commissioner finds that any agent or broker-dealer or investment adviser is no longer in existence, or has ceased to do business as a broker-dealer or agent or investment adviser, or is subject to an adjudication of mental incompetence or to the control of a committee or conservator or guardian, or cannot be located after reasonable search, the commissioner may by order summarily revoke the certificate of such broker-dealer or agent or investment adviser.

(c) The commissioner may summarily suspend or revoke the certificate of a broker-dealer or agent or investment adviser if he (1) fails to pay any fee required by Section 25608 or

imposed pursuant to Section 25217, 25218 or 25236 within 10 days after notice by the commissioner that such fee is due and unpaid, or (2) fails to file any report required under Section 25241 within 10 days after notice by the commissioner that such report is due, or (3) fails to maintain any bond required by subdivision (e) of Section 25216 or by Section 25237.

25243. It is unlawful for any person holding a certificate as an agent, broker-dealer, or investment adviser under this part to represent or imply in any manner whatsoever that such person has been sponsored, recommended, or approved or that his abilities or qualifications have in any respect been passed upon by the commissioner. Nothing in this section prohibits a statement (other than in a paid advertisement) that a person holds a certificate under this law, if such statement is true in fact and if the effect of such licensing is not misrepresented.

25244. Any person whose certificate as an agent, broker-dealer, or investment adviser has been suspended or revoked shall immediately surrender such certificate to the commissioner.

25245. It is unlawful for any person willfully to make any untrue statement of a material fact in any application or report filed with the commissioner under this part, or willfully to omit to state in any such application or report any material fact which is required to be stated therein.

PART 4. ADVERTISING SECURITIES

25300. (a) No person shall publish any advertisement in this state concerning any security sold or offered for sale in this state unless a true copy of the advertisement has first been filed in the office of the commissioner at least three days prior to the publication or such shorter period as the commissioner may by rule or order allow.

(b) Subdivision (a) of this section does not apply to:

(1) Any advertisement for any security published by a licensed broker-dealer if he is not effecting transactions in such security as an underwriter or other participant in a distribution for the issuer;

(2) Any advertisement for any security published by an issuer or any underwriter or other participant in a distribution for the issuer if the security or transaction is exempted by the provisions of Chapter 1 (commencing with Section 25100) of Part 2 of this division;

(3) Any advertisement for any security in a nonissuer transaction if the security is exempted by Section 25100 or an offer of the security is exempted by subdivision (g) of Section 25104;

(4) Any advertisement permitted or required by Section 5(b)(2) or Section 2(10)(b) of the Securities Act of 1933 with respect to a security which has been registered under the Securities Act of 1933 and qualified for sale in this state; or

(5) Any other advertisement exempted by rule of the commissioner.

25301. All advertisements published by any broker-dealer which are exempted from filing by clause (1) or clause (5) of subdivision (b) of Section 25300 shall be approved prior to use by signature or initial of an officer, partner, or responsible supervisory official of such broker-dealer and such signed or initialed copy shall be retained by such broker-dealer in an appropriate file for a period of three years, subject to examination by the commissioner.

25302. No person shall publish any advertisement concerning any security in this state after the commissioner finds that the advertisement contains any statement that is false or misleading or omits to make any statement necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading and so notifies the person in writing. Such notification may be given summarily without notice or hearing. At any time after the issuance of a notification under this section, the person desiring to use the advertisement may in writing request that the order be rescinded. Upon the receipt of such a written request, the matter shall be set down for hearing to commence within 15 days after such receipt unless the person making the request consents to a later date. After such hearing, which shall be conducted in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the commissioner shall determine whether to affirm and continue or to rescind such order, and the commissioner shall have all of the powers granted under such act.

PART 5. FRAUDULENT AND PROHIBITED PRACTICES

25400. It is unlawful for any person, directly or indirectly, in this state:

(a) For the purpose of creating a false or misleading appearance of active trading in any security or a false or misleading appearance with respect to the market for any security, (1) to effect any transaction in a security which involves no change in the beneficial ownership thereof, or (2) to enter an order or orders for the purchase of any security with the knowledge that an order or orders of substantially the same size, at substantially the same time and at substantially the same price, for the sale of any such security, has been or will be entered by or for the same or different parties, or (3) to enter an order or orders for the sale of any security with the knowledge that an order or orders of substantially the same size, at substantially the same time and at substantially the same price, for the purchase of any such security, has been or will be entered by or for the same or different parties.

(b) To effect, alone or with one or more other persons, a series of transactions in any security creating actual or apparent active trading in such security or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others.

(c) If such person is a broker-dealer or other person selling or offering for sale or purchasing or offering to purchase the security, to induce the purchase or sale of any security by the circulation or dissemination of information to the effect that the price of any such security will or is likely to rise or fall because of market operations of any one or more persons conducted for the purpose of raising or depressing the price of such security.

(d) If such person is a broker-dealer or other person selling or offering for sale or purchasing or offering to purchase the security, to make, for the purpose of inducing the purchase or sale of such security by others, any statement which was, at the time and in the light of the circumstances under which it was made, false or misleading with respect to any material fact, or which omitted to state any material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, and which he knew or had reasonable ground to believe was so false or misleading.

(e) For a consideration, received directly or indirectly from a broker-dealer or other person selling or offering for sale or purchasing or offering to purchase the security, to induce the purchase or sale of any security by the circulation or dissemination of information to the effect that the price of such security will or is likely to rise or fall because of the market operations of any one or more persons conducted for the purpose of raising or depressing the price of such security.

25401. It is unlawful for any person to offer or sell a security in this state or buy or offer to buy a security in this state by means of any written or oral communication which includes an untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading.

25402. It is unlawful for an issuer or any person who is an officer, director or controlling person of an issuer or any other person whose relationship to the issuer gives him access, directly or indirectly, to material information about the issuer not generally available to the public, to purchase or sell any security of the issuer in this state at a time when he knows material information about the issuer gained from such relationship which would significantly affect the market price of that security and which is not generally available to the public, and which he knows is not intended to be so available, unless he has reason to believe that the person selling to or buying from him is also in possession of the information.

PART 6. ENFORCEMENT

CHAPTER 1. CIVIL LIABILITY

25500. Any person who willfully participates in any act or transaction in violation of Section 25400 shall be liable to any other person who purchases or sells any security at a price which was affected by such act or transaction for the damages sustained by the latter as a result of such act or transaction. Such damages shall be the difference between the price at which such other person purchased or sold securities and the market value which such securities would have had at the time of his purchase or sale in the absence of such act or transaction, plus interest at the legal rate.

25501. Any person who violates Section 25401 shall be liable to the person who purchases a security from him or sells a security to him, who may sue either for rescission or for damages (if the plaintiff or the defendant, as the case may be, no longer owns the security), unless the defendant proves that the plaintiff knew the facts concerning the untruth or omission or that the defendant exercised reasonable care and did not know (or if he had exercised reasonable care would not have known) of the untruth or omission. Upon rescission, a purchaser may recover the consideration paid for the security, plus interest at the legal rate, less the amount of any income received on the security, upon tender of the security. Upon rescission, a seller may recover the security, upon tender of the consideration paid for the security plus interest at the legal rate, less the amount of any income received by the defendant on the security. Damages recoverable under this section by a purchaser shall be an amount equal to the difference between (a) the price at which the security was bought plus interest at the legal rate from the date of purchase and (b) the value of the security at the time it was disposed of by the plaintiff plus the amount of any income received on the security by the plaintiff. Damages recoverable under this section by a seller shall be an amount equal to the difference between (1) the value of the security at the time of the filing of the complaint plus the amount of any income received by the defendant on the security and (2) the price at which the security was sold plus interest at the legal rate from the date of sale. Any tender specified in this section may be made at any time before entry of judgment.

25502. Any person who violates Section 25402 shall be liable to the person who purchases a security from him or sells a security to him, for damages equal to the difference between the price at which such security was purchased or sold and the market value which such security would have had at the time of the purchase or sale if the information known to the defendant had been publicly disseminated prior to that time and a reasonable time had elapsed for the market to absorb the information, plus interest at the legal rate, unless the de-

fendant proves that the plaintiff knew the information or that the plaintiff would have purchased or sold at the same price even if the information had been revealed to him.

25503. Any person who violates Section 25110, 25120 or 25130 shall be liable to any person acquiring from him the security sold in violation of such section, who may sue to recover the consideration he paid for such security with interest thereon at the legal rate, less the amount of any income received therefrom, upon the tender of such security, or for damages (if he no longer owns the security) equal to the difference between (a) his purchase price plus interest at the legal rate from the date of purchase and (b) the value of the security at the time it was disposed of by the plaintiff plus the amount of any income received therefrom by the plaintiff. Any person on whose behalf an offering is made and any underwriter of the offering, whether on a best efforts or a firm commitment basis, shall be jointly and severally liable under this section, but in no event shall any underwriter (unless such underwriter shall have knowingly received from the issuer for acting as an underwriter some benefit, directly or indirectly, in which all other underwriters similarly situated did not share in proportion to their respective interest in the underwriting) be liable in any suit or suits authorized under this section for damages in excess of the total price at which the securities underwritten by him and distributed to the public were offered to the public. Any tender specified in this section may be made at any time before entry of judgment. No person shall be liable under this section if the sale of the security is qualified prior to the payment or receipt of any part of the consideration for the security sold, even though an offer to sell or a contract of sale may have been made or entered into without qualification.

25504. Every person who directly or indirectly controls a person liable under Section 25501 or 25503, every partner in a firm so liable, every principal executive officer or director of a corporation so liable, every person occupying a similar status or performing similar functions, every employee of a person so liable who materially aids in the act or transaction constituting the violation, and every broker-dealer or agent who materially aids in the act or transaction constituting the violation, are also liable jointly and severally with and to the same extent as such person, unless the other person who is so liable had no knowledge of or reasonable grounds to believe in the existence of the facts by reason of which the liability is alleged to exist.

25505. A corporation which is liable under this chapter shall have a right of indemnification against any of its principal executive officers, directors, and controlling persons whose willful violation of any provision of this law gave rise to such liability. All persons liable under this chapter shall have a right of contribution against all other persons similarly liable, based upon each person's proportionate share of the total

liability, except that no person whose willful violation of any provision of this law has given rise to any liability shall have any right of contribution against any other person guilty merely of a negligent violation, and except that no principal executive officer, director, or controlling person whose willful violation has given rise to any liability shall have any right of contribution against the corporation to which he sustains that relationship.

25506. No action shall be maintained to enforce any liability created under Section 25500, 25501, or 25502 (or Section 25504 insofar as it relates to those sections) unless brought before the expiration of four years after the act or transaction constituting the violation or the expiration of one year after the discovery by the plaintiff of the facts constituting the violation, whichever shall first expire.

25507. (a) No action shall be maintained to enforce any liability created under Section 25503 (or Section 25504 insofar as it relates to that section) unless brought before the expiration of two years after the violation upon which it is based or the expiration of one year after the discovery by the plaintiff of the facts constituting such violation, whichever shall first expire.

(b) No buyer may commence an action under Section 25503 (or Section 25504 insofar as it relates to that section) if, before suit is commenced, such buyer shall have received a written offer approved as to form by the commissioner (1) stating the respect in which liability under such section may have arisen, (2) offering to repurchase the security for a cash price payable upon delivery of the security equal to the consideration paid, together with interest at the legal rate from the date of payment, less the amount of any income received on the security, or, if the buyer no longer owns the security, offering to pay to the buyer upon acceptance of the offer an amount in cash equal to the damages computed in accordance with Section 25503, (3) providing that such offer may be accepted by the buyer at any time within a specified period of not less than 30 days after the date of receipt thereof, (4) setting forth the provisions of this subdivision (b), and (5) containing such other information as the commissioner may require by rule or order, and such buyer shall have failed to accept such offer in writing within the specified period after receipt thereof.

25508. No action shall be maintained to enforce any right of indemnification or contribution created by Section 25505 unless brought before the expiration of one year after final judgment based upon the liability for which the right of indemnification or contribution exists.

25509. Every cause of action under this chapter survives the death of any person who might have been a plaintiff or defendant.

25510. Except as explicitly provided in this chapter, no civil liability in favor of any private party shall arise against any person by implication from or as a result of the violation of any provision of this law or any rule or order hereunder. Nothing in this chapter shall limit any liability which may exist by virtue of any other statute or under common law if this law were not in effect.

CHAPTER 2. POWERS OF THE COMMISSIONER

25530. (a) Whenever it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this law or any rule or order hereunder, he may in his discretion bring an action in the name of the people of the State of California in the superior court to enjoin the acts or practices or to enforce compliance with this law or any rule or order hereunder. Upon a proper showing a permanent or preliminary injunction, restraining order, or writ of mandate shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The court may not require the commissioner to post a bond.

(b) The commissioner may, with the approval of the Attorney General, include in any action authorized by subdivision (a) of this section a claim for restitution or damages under Chapter 1 (commencing with Section 25500) of this part on behalf of the persons injured by the act or practice constituting the subject matter of the action, and the court shall have jurisdiction to award appropriate relief to such persons, if the court finds that enforcement of the rights of such persons by private civil action, whether by class action or otherwise, would be so burdensome or expensive as to be impractical.

25531. (a) The commissioner in his discretion (1) may make such public or private investigations within or outside of this state as he deems necessary to determine whether any person has violated or is about to violate any provision of this law or any rule or order hereunder or to aid in the enforcement of this law or in the prescribing of rules and forms hereunder, and (2) may publish information concerning any violation of this law or any rule or order hereunder.

(b) In making any investigation authorized by subdivision (a) of this section, the commissioner may, for a reasonable time not exceeding 30 days, take possession of the books, records, accounts and other papers pertaining to the business of any broker-dealer or investment adviser and place a keeper in exclusive charge of them in the place where they are usually kept. During such possession no person shall remove or attempt to remove any of the books, records, accounts, or other papers except pursuant to a court order or with the consent of the commissioner; but the directors, officers, partners, and employees of the broker-dealer or investment ad-

viser may examine them, and employees shall be permitted to make entries therein reflecting current transactions.

(c) For the purpose of any investigation or proceeding under this law, the commissioner or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the commissioner deems relevant or material to the inquiry.

(d) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the superior court, upon application by the commissioner, may issue to the person an order requiring him to appear before the commissioner, or the officer designated by him, there to produce documentary evidence, if so ordered, or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt.

(e) No person is excused from attending and testifying or from producing any document or record before the commissioner, or in obedience to the subpoena of the commissioner or any officer designated by him, or in any proceeding instituted by the commissioner, on the ground that the testimony or evidence (documentary or otherwise) required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after validly claiming his privilege against self-incrimination, to testify or produce evidence (documentary or otherwise), except that the individual testifying is not exempt from prosecution and punishment for perjury or contempt committed in testifying.

25532. If in the opinion of the commissioner the sale of any security is subject to qualification under this law and it is being or has been offered for sale without first being qualified, the commissioner may order the issuer or offeror of such security to desist and refrain from the further offer or sale of such security unless and until it has been qualified under this law. If, after such an order has been made, a request for a hearing is filed in writing by the person to whom such order was directed, a hearing shall be held in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all of the powers granted thereunder; unless such hearing is commenced within 15 days after the request is made (or the person affected consents to a later date), such order is rescinded.

25533. The commissioner may refer such evidence as is available concerning any violation of this law or of any rule or order hereunder to the district attorney of the county in which

the violation occurred, who may, with or without such a reference, institute appropriate criminal proceedings under this law.

CHAPTER 3. CRIMES

25540. Any person who willfully violates any provision of this law, or who willfully violates any rule or order under this law, shall upon conviction be fined not more than ten thousand dollars ($10,000) or imprisoned in the state prison for not more than 10 years or in a county jail for not more than one year, or be punished by both such fine and imprisonment; but no person may be imprisoned for the violation of any rule or order if he proves that he had no knowledge of the rule or order.

25541. Any person who willfully employs, directly or indirectly, any device, scheme, or artifice to defraud in connection with the offer, purchase, or sale of any security or willfully engages, directly or indirectly, in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person in connection with the offer, purchase, or sale of any security shall upon conviction be fined not more than ten thousand dollars ($10,000) or imprisoned in the state prison for not more than 10 years or in a county jail for not more than one year, or be punished by both such fine and imprisonment.

25542. Nothing in this law limits the power of the state to punish any person for any conduct which constitutes a crime under any other statute.

CHAPTER 4. SERVICE OF PROCESS

25550. When any person, including any nonresident of this state, engages in conduct prohibited or made actionable by this law or any rule or order hereunder, whether or not he has filed a consent to service of process under Section 25165 or Section 25240, and personal jurisdiction over him cannot otherwise be obtained in this state, that conduct shall be considered equivalent to his appointment of the commissioner or his successor in office to be his attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against him or his successor, executor, or administrator which grows out of that conduct and which is brought under this law or any rule or order hereunder, with the same force and validity as if served on him personally. Service may be made by leaving a copy of the process in the office of the commissioner, but it is not effective unless (a) the plaintiff, who may be the commissioner in a suit, action, or proceeding instituted by him, forthwith sends notice of the service and a copy of the process by registered or certified mail to the defendant or respondent at his last known address or takes other steps which are reasonably calculated to give actual notice, and (b) the plaintiff's affidavit of compliance with this sec-

tion is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

PART 7. ADMINISTRATION

25600. There is in the state government a Division of Corporations, which shall administer the provisions of this division. The chief officer of the Division of Corporations is the Commissioner of Corporations. The commissioner shall be appointed by the Governor and shall hold office at the pleasure of the Governor. He shall receive an annual salary as fixed in the Government Code. Within 15 days from the time of his appointment the commissioner shall take and subscribe to the constitutional oath of office and file it in the office of the Secretary of State, and shall execute an official bond in the penal sum of ten thousand dollars ($10,000).

25601. The commissioner shall have his principal office in the City of Sacramento, and may establish branch offices in the City and County of San Francisco, in the City of Los Angeles and in the City of San Diego. The commissioner shall from time to time obtain the necessary furniture, stationery, fuel, light, and other proper conveniences for the transaction of the business of the Division of Corporations.

25602. In accordance with the laws governing the state civil service, the commissioner shall employ and, with the approval of the Department of Finance, fix the compensation of such personnel as he needs to discharge properly the duties imposed upon him by law, including stenographic reporters to take and transcribe the testimony in any formal hearing or investigation before the commissioner or before a person authorized by him. The personnel of the Division of Corporations shall perform such duties as the commissioner assigns to them. Such employees as the commissioner designates by rule or order shall, within 15 days after their appointments, take and subscribe to the constitutional oath of office and file it in the office of the Secretary of State.

25603. The commissioner shall adopt a seal bearing the inscription: "Commissioner of Corporations, State of California." The seal shall be affixed to or imprinted on all orders and certificates issued by him and such other instruments as he directs. All courts shall take judicial notice of this seal.

25604. The administration of the Division of Corporations shall be supported from the General Fund of the state.

25605. (a) All applications, reports and other papers and documents filed with the commissioner under this law shall be open to public inspection, except that the commissioner may, in his discretion, withhold from public inspection any information the disclosure of which is, in the judgment of the commissioner, not necessary in the public interest or for the protection of investors. The commissioner may publish any information filed with him or obtained by him, if, in the judgment of the commissioner, such action is in the public interest.

No provision of this law authorizes the commissioner or any of his assistants, clerks, or deputies to disclose any information withheld from public inspection except among themselves or when necessary or appropriate in a proceeding or investigation under this law or to other federal or state regulatory agencies. No provision of this law either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the commissioner or any of his assistants, clerks, or deputies.

(b) It is unlawful for the commissioner or any of his assistants, clerks, or deputies to use for personal benefit any information which is filed with or obtained by the commissioner and which is not then generally available to the public.

25606. The Attorney General shall render to the commissioner opinions upon all questions of law, relating to the construction or interpretation of any law under his jurisdiction or arising in the administration thereof, that may be submitted to him by the commissioner, and shall act as the attorney for the commissioner in all actions and proceedings brought by or against him under or pursuant to any provision of any law under his jurisdiction.

25607. (a) Neither the commissioner nor any of his assistants, clerks or deputies during their terms of employment shall be interested as a director, officer, shareholder, member, partner, agent, or employee of any person who, during the period of such official's or employee's association with the Division of Corporations, (1) was licensed or applied for license as a broker-dealer, agent or investment adviser under this division, or (2) applied for or secured the qualification of the sale of securities under this division.

(b) Nothing contained in subdivision (a) of this section shall prohibit the holding or purchasing of any securities by any assistant, clerk, or deputy in accordance with such rules as the commissioner shall adopt for the purpose of protecting the public interest and avoiding conflicts of interest with respect to such assistants, clerks and deputies.

(c) Nothing contained in subdivision (a) of this section shall prohibit the holding or purchasing of any securities by the commissioner if (1) such security is held or purchased through a management account or trust administered by a bank or trust company authorized to do business in this state which has sole investment discretion regarding the holding, purchase and sale of securities, and (2) the commissioner did not, directly or indirectly, advise, counsel, command or suggest the holding, purchase or sale of any such security or furnish any information relating to such security to such bank or trust company, and (3) such account or trust does not at any time have more than 10 percent of its total assets invested in the securities of any one issuer or hold more than 5 percent of the outstanding shares or units of any class of securities of any one issuer. The commissioner shall report to the Attor-

ney General not less often than quarterly all holdings, purchases, and sales of securities by him as authorized in this subdivision, which reports shall be retained by the Attorney General as public documents.

25608. (a) The commissioner shall charge and collect the fees fixed in this section. All fees charged and collected under this section shall be transmitted to the State Treasurer at least weekly, accompanied by a detailed statement thereof and shall be credited to the General Fund.

(b) The fee for filing an application for a negotiating permit under subdivision (c) of Section 25102 is fifty dollars ($50).

(c) The fee for filing a notice pursuant to clause 5 of subdivision (h) of Section 25102 is twenty-five dollars ($25).

(d) The fee for filing an application for designation of an issuer pursuant to subdivision (k) of Section 25100 is fifty dollars ($50).

(e) The fee for filing an application for qualification of the sale of securities by notification under Section 25112 or by permit under Section 25113 (except applications for qualification by permit of the sale of any guarantee of any security, the fees for which applications are fixed in subdivision (j) of this section) is one hundred dollars ($100) plus one-tenth of 1 percent of the aggregate value of the securities sought to be sold in this state up to a maximum aggregate fee of one thousand five hundred dollars ($1,500).

(f) The fee for filing an application for qualification of the sale of securities by coordination under Section 25111 is one hundred dollars ($100) plus one-tenth of 1 percent of the aggregate value of the securities sought to be sold in this state up to a maximum aggregate fee of one thousand one hundred dollars ($1,100).

(g) For the purpose of determining the fees fixed in subdivisions (e) and (f):

(1) The value of the securities shall be the price at which the company proposes to sell the securities, or the value, as alleged in the application, or the actual value, as determined by the commissioner, of the consideration (if other than money) to be received in exchange therefor, or of the securities when sold, whichever is greater.

(2) Interim or voting trust certificates shall have a value equal to the aggregate value of the securities to be represented by the interim or voting trust certificates.

(3) The value of a warrant or right to purchase or subscribe to another security of the same or another issuer shall be an amount equal to the consideration to be paid for such warrant or right plus an amount equal to the consideration to be paid upon purchase of the additional securities, provided that if such latter amount is not determinable at the time of qualification, such amount shall be the then value of such additional securities as determined by the commissioner.

(4) In the case of a share dividend or share split the value of the securities to be sold shall be the amount of surplus proposed to be transferred to stated capital and any surplus account.

(h) The fee for filing an application for qualification of the sale of securities by permit under Section 25121 is:

(1) One hundred dollars ($100) in connection with any change in the rights, preferences, privileges, or restrictions of or on outstanding securities;

(2) One hundred dollars ($100) plus one-tenth of 1 percent of the value, as alleged in the application, or the actual value, as determined by the commissioner, of the consideration to be received in exchange therefor, up to a maximum aggregate fee of one thousand five hundred dollars ($1,500), in any exchange of securities by the issuer with its existing security holders exclusively, or in any exchange in connection with any merger or consolidation or purchase of corporate assets in consideration of the issuance of securities.

(i) The fee for filing an application for qualification of the sale of securities by notification under Section 25131 and the fee for an application for the removal of any condition under Section 25141 is twenty-five dollars ($25).

(j) The fee for filing any application for a permit to execute or issue any guarantee of any security is fifty dollars ($50).

(k) The fee for acting as escrow holder for securities under Section 25149 is fifty dollars ($50). In addition, a fee of two dollars and fifty cents ($2.50) shall be paid for the deposit with the commissioner of each new certificate or other document resulting from a transfer in escrow.

(*l*) The fee for filing an application for an order (1) consenting to the transfer in escrow of securities, (2) consenting to the transfer of securities subject to any condition imposed by the commissioner requiring the commissioner's consent to such transfer, or (3) consenting to the transfer of securities subject to a legend stamped or printed on the certificates evidencing such securities pursuant to subdivision (h) of Section 25102, is ten dollars ($10) for each transferor.

(m) The filing fee for an amendment to an application filed after the effective date of the qualification of the sale of securities is fifty dollars ($50) plus any additional fee which would have been required to be paid with the original application for qualification of the sale of securities under this section if the matters set forth in the amendment had been included in the original application.

(n) (1) The fee for filing an application for a certificate as a broker-dealer under Section 25211 is two hundred dollars ($200) for the first office or location and seventy dollars ($70) for each additional office or location in California. Thereafter, every broker-dealer who has secured from the commissioner a certificate shall, in order to keep such certificate

in effect, pay for each calendar year following the calendar year in which such certificate was secured, an annual renewal fee of two hundred dollars ($200) for the first office or location and seventy dollars ($70) for each additional office or location in California on or before the 15th day of December of the year preceding the calendar year for which such fee is payable.

(2) If, after a certificate has been issued to any broker-dealer operating as a partnership, there is a change of interest affecting less than twenty-five percent (25%) of the whole interest therein, a new application need not be made, but there shall be filed with the commissioner, accompanied by payment of a fee of ten dollars ($10), written notice of the change, stating the names and addresses of the partners and their respective interests, and any other information which may be required by the commissioner, together with evidence satisfactory to the commissioner that any bond theretofore filed by the broker-dealer is and will be maintained in good standing notwithstanding the change. The commissioner may, in his discretion, require a new application, in which event the procedure and fee shall be the same as upon an original application for a certificate as a broker-dealer. If the commissioner approves the change without a new application, the certificate theretofore issued and in force and any agents' certificates theretofore issued to agents of the partnership and then in force continue in full force and effect.

(o) (1) The fee for filing an application for a certificate as an agent under Section 25211 is thirty-five dollars ($35). Thereafter, every agent who has secured from the commissioner a certificate shall, in order to keep such certificate in effect, pay for each calendar year following the calendar year in which such certificate was secured an annual renewal fee of thirty-five dollars ($35) on or before the 15th day of December of the year preceding the calendar year for which such fee is payable.

(2) If a licensed broker-dealer acquires the business of another licensed broker-dealer, the certificates of the agents of such latter broker-dealer may be transferred to the acquiring broker-dealer upon application therefor to the commissioner and the payment of a transfer fee of five dollars ($5) for each licensed agent to be so transferred; and such transfer shall not, for filing fee purposes, be deemed an initial or renewal registration of any such transferred agent. The foregoing provisions of this clause (2) shall be applicable to any acquisition by a licensed broker-dealer of the business of another licensed broker-dealer other than by merger or consolidation. With respect to the merger or consolidation of two or more corporate licensee broker-dealers, the licensed agents of the broker-dealers who are parties to such merger or consolidation shall become the licensed agents of the new or surviving corporate licensee broker-dealer resulting from such merger or consolidation upon written notice of such

merger or consolidation to the commissioner, and the certificates of such agents shall not be deemed to have been transferred for the purposes of this subdivision.

(p) The fee for filing an application for a certificate to act as an investment adviser under Section 25231 is one hundred dollars ($100). Thereafter, every investment adviser who has secured from the commissioner a certificate shall, in order to keep such certificate in effect, pay for each calendar year following the calendar year in which such certificate was secured, an annual renewal fee of one hundred dollars ($100) on or before the 15th day of December of the year preceding the calendar year for which such fee is payable.

(q) The fee for any examination, audit, or investigation is the actual amount of the salary or other compensation paid to the persons making the examination, audit, or investigation plus the actual amount of expenses reasonably incurred in the performance of the work.

(r) The fee for any hearing held by the commissioner pursuant to Section 25142 shall be the sum determined by the commissioner to cover the actual expense of noticing and holding such hearing.

(s) The commissioner may fix by rule a reasonable charge for any publications issued under his authority; provided, however, that such charges shall not be applicable to reports of the commissioner in the ordinary course of distribution.

25609. Every final order, decision, license, or other official act of the commissioner is subject to judicial review in accordance with law.

25610. The commissioner may from time to time make, amend and rescind such rules, forms, and orders as are necessary to carry out the provisions of this law, including rules and forms governing applications and reports, and defining any terms, whether or not used in this law, insofar as the definitions are not inconsistent with the provisions of this law. For the purpose of rules and forms, the commissioner may classify securities, persons, and matters within his jurisdiction, and may prescribe different requirements for different classes. The commissioner may in his discretion waive any requirement of any rule or form in situations where in his opinion such requirement is not necessary in the public interest or for the protection of investors.

25611. The commissioner shall have authority to prepare and make available to interested persons such lists of persons whose securities are qualified for trading purposes in this state or are exempt from such qualification or both as he may determine to be necessary or desirable, and the commissioner may make reasonable charges for such lists to defray the expenses of preparation and dissemination.

25612. No rule, form or order may be made, amended, or rescinded unless the commissioner finds that the action is necessary or appropriate in the public interest or for the pro-

tection of investors and consistent with the purposes fairly intended by the policy and provisions of this law. In prescribing rules and forms the commissioner may cooperate with the securities administrators of the other states and the Securities and Exchange Commission with a view to achieving maximum uniformity in the form and content of registration statements, applications, and reports wherever practicable.

25613. The commissioner may by rule or order prescribe (1) the form and content of financial statements required under this law, (2) the circumstances under which consolidated financial statements shall be filed, and (3) the circumstances under which financial statements shall be audited by independent certified public accountants or public accountants.

25614. All rules of the commissioner (other than those relating solely to the internal administration of the Division of Corporations) shall be made, amended or rescinded in accordance with the provisions of the Administrative Procedure Act, Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code. Rules may be adopted prior to the effective date of this law to become effective upon its effective date.

25615. A document is filed when it is received by the commissioner; but no qualification of the sale of securities shall become effective until the appropriate fee has been paid.

25616. The commissioner shall keep an index of all qualifications which are or have ever been effective, all denial, suspension, or revocation orders which have been entered and all permits and certificates which have been issued by him under this law.

25617. Upon request and at such reasonable charges as he prescribes by rule, the commissioner shall furnish to any person photostatic or other copies (certified under his seal of office if requested) of any document which is retained as a matter of public record, except that he shall not charge or collect any fee for photostatic or other copies of any document furnished to public officers for use in their official capacity. In any judicial proceeding or prosecution, any copy so certified is prima facie evidence of the contents of the document certified.

25618. The commissioner in his discretion may honor requests from interested persons for interpretive opinions.

25619. (a) The commissioner may destroy any applications, orders, permits, and revoked or surrendered certificates, together with the files and folders, as useless or obsolete, four years after the date of filing or issuance, with the approval of the Department of General Services; provided, that a permanent record shall be maintained of any disciplinary action taken by the commissioner.

(b) When acting as escrow holder for securities, the commissioner may destroy any certificates evidencing securities of any corporation which has been dissolved or whose charter

has been suspended for a period of not less than two years for nonpayment of taxes or penalties and may destroy any other records pertaining to the escrow of the securities destroyed, and he shall have no further liability or accountability therefor; provided, that the commissioner shall maintain a permanent record containing such information as he may by rule prescribe relating to the certificates and records so destroyed.

(c) Copies on microfilm or in other form which may be retained by the commissioner in his discretion of any records destroyed under this section shall be accepted for all purposes as equivalent to the original when certified by the commissioner.

PART 8. GENERAL PROVISIONS

25700. No provision of this law imposing any liability applies to any act done or omitted in good faith in conformity with any rule, form, permit, order, or written interpretive opinion of the commissioner, or any such opinion of the Attorney General, notwithstanding that the rule, form, permit, order, or written interpretive opinion may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

25701. Any condition, stipulation or provision purporting to bind any person acquiring any security to waive compliance with any provision of this law or any rule or order hereunder is void.

25702. Whenever a person is entitled under this law to a hearing in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, a formal hearing before the Division of Corporations may be substituted with the consent of such person and of the commissioner for such hearing before an independent hearing officer; and in that case after such hearing before the Division of Corporations such person shall not be entitled to any further administrative remedy.

25703. If any provision of this law or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this law which can be given effect without the invalid provision or application, and to this end the provisions of this law are declared to be severable.

25704. (a) Except as expressly provided in this section, prior law exclusively governs all suits, actions, prosecutions or proceedings which are pending or may be initiated on the basis of facts or circumstances occurring before the effective date of this law.

(b) No civil suit or action may be maintained to enforce any liability or to establish that any securities are void under prior law unless brought within any period of limitation

which applied when the cause of action accrued and, in any event, within three years after the effective date of this law.

(c) All effective permits, certificates, orders, consents, and registrations under prior law, all administrative orders relating to the same and all conditions imposed upon the same remain in effect so long as they would have remained in effect if this law had not been enacted. They are considered to have been filed, entered, or imposed under this law, but are governed by prior law. Certificates dated as of January 1, 1969, may be issued by the commissioner after the effective date of this law pursuant to applications filed prior thereto and shall be considered to have been issued under the prior law. Applications for permits filed prior to January 1, 1969, may subsequently be processed without amendment if they comply with prior law, but thereafter shall be otherwise governed by this law.

(d) Judicial review of all administrative orders as to which review proceedings have not been instituted by the effective date of this law are governed by Section 25609, except that no review proceeding may be instituted unless the petition is filed within any period of limitation which applied to a review proceeding when the order was entered.

25705. All references to "the Corporate Securities Law" in any code or statute of the State of California shall hereafter be deemed to be references to the Corporate Securities Law of 1968.

PART 9. CURATIVE PERMITS UNDER PRIOR LAW

25800. This part shall remain in effect only until January 2, 1972, and on and after such date shall have no force or effect.

25801. This part is applicable only to securities issued or sold before January 2, 1969.

25802. Upon application in accordance with this division, the commissioner may issue a curative permit authorizing the issuance and sale of any security previously issued or sold without a permit, or in nonconformity with any provision of a permit previously obtained. The commissioner shall issue a curative permit only if he finds that the plan of business of applicant and the issuance of the curative permit are fair, just, and equitable and that the applicant is transacting and intends to transact its business fairly and honestly and that in his opinion the issuance of the curative permit will not work a fraud upon the holders of any of the issued and outstanding securities of applicant.

25803. A curative permit issued pursuant to Section 25802 shall be effective as of the date upon which the securities authorized thereby were first issued and sold, and the provisions of Section 26100 as it read immediately prior to January 2, 1969 shall not apply to such securities.

25804. The issuance or denial of a curative permit shall have no effect on the criminal liability of any person nor upon any cause of action other than that based upon the provisions of Section 26100 as it read immediately prior to January 2, 1969:

(a) When an application for a curative permit has been filed, the applicant may, in any civil proceeding pending in a court of original jurisdiction, move for a stay of proceedings, with respect to any issue which turns on the provisions of Section 26100 as it read immediately prior to January 2, 1969. Where the applicant is not a party to such proceedings he shall be permitted to intervene.

A copy of the application shall be attached to the notice of motion, and supplementary affidavits may also be attached.

(b) The court shall stay all proceedings relating to any issues which turn on the provisions of Section 26100 as it read immediately prior to January 2, 1969, until the commissioner has granted or denied the permit and the grant or denial has become final if the court finds that the application and affidavits, if any, state facts showing that the commissioner has jurisdiction of the application and that there is a prima facie basis for the finding required by Section 25802.

(c) The fee for filing an application for a curative permit shall be fifty dollars ($50), plus a sum, as estimated by the commissioner, to cover the actual expense of giving notice and holding any hearing held in connection therewith, plus a fee computed in accordance with subdivision (e) or (h) of Section 25608 less any fee previously paid for such security.

SEC. 3. Section 4113 of the Corporations Code is amended to read:

4113. The executed agreement, or an executed counterpart thereof, and the respective certificate of each constituent corporation and of the surviving corporation shall be separately filed with the Secretary of State, and shall thereupon become effective, and the several parties thereto shall be one corporation. Neither the agreement nor any certificate shall be filed however until there has been filed with the Secretary of State by or on behalf of each corporation taxed under the Bank and Corporation Franchise Tax Act, the existence of which is terminated by the merger or consolidation, the certificate of satisfaction of the Franchise Tax Board that all taxes imposed by said act have been paid or secured.

SEC. 4. Section 4119 of the Corporations Code is amended to read:

4119. If the consolidated or surviving corporation be a domestic corporation, the agreement and certificate of such corporation as well as the certificate of each constituent domestic corporation shall be filed in the office of the Secretary of State and thereupon the consolidation or merger shall be effective as to any such domestic corporation. Copies of such agreement and certificate, certified by the Secretary of State, shall be filed and recorded by such consolidated or surviving corporation as provided in Section 4114. Each constituent

foreign corporation which is qualified for the transaction of intrastate business in this state shall file in the office of the Secretary of State a certificate of surrender of right to transact intrastate business as provided for by Section 6700.

If the consolidated or surviving corporation be a foreign corporation, each constituent consolidated or merged foreign corporation which is qualified for the transaction of intrastate business in this state shall file in the office of the Secretary of State a certificate of surrender of its right to transact intrastate business as provided for by Section 6700. No filing need be made in this state by or on behalf of the surviving foreign corporation even though it be qualified for the transaction of intrastate business. Each constituent domestic corporation shall file in the office of the Secretary of State a copy of the agreement, certificate or other document filed by the consolidated or surviving foreign corporation in the state or place of its incorporation for the purpose of effecting the consolidation or merger which copy shall be certified by the public officer having official custody of the original, or, in lieu thereof, an executed counterpart of the agreement or certificate and thereupon the consolidation or merger shall be effective as to such domestic corporation. Certified copies of such agreement, certificate or other document shall be filed and recorded by each constituent domestic corporation as provided in Section 4114.

SEC. 5. Section 10250 of the Corporations Code is amended to read:

10250. (a) Any corporation organized under the provisions of or for the purposes set forth in Part 2 or Part 3 of this division may, if authorized so to do by its articles of incorporation, establish one or more common trust funds for the purpose of furnishing investments to such corporation or to any church, parish, congregation, society, chapel, mission, religious, beneficial, charitable or educational institution affiliated with it, or to any organization, society or corporation holding funds or property for the benefit of any of the foregoing, or holding funds for the purpose of supporting a bishop, priest, religious pastor, or teacher or any building or buildings used by or owned by any of the foregoing, whether holding such funds or property as fiduciary or otherwise. Notwithstanding the provisions of any general or special law in any way limiting the right of any of the foregoing or the officers or directors thereof, as fiduciary or otherwise, to invest funds held by them, it shall be lawful for any of the foregoing to invest any or all of their funds or property in shares or interests of such common trust fund or trust funds; provided, that, in the case of funds or property held as fiduciary, such investment is not prohibited by the wording of the will, deed or other instrument creating such fiduciary relationship.

(b) The directors or trustees of any such common trust fund, or trust funds, so organized, may employ such officers or agents as they think best, define their duties, and fix their compensation. They may also appoint a trust company or bank as

custodian of the trust estate and may employ an investment adviser or advisers, define their duties, and fix their compensation.

(c) The directors or trustees of any such common trust fund, or trust funds, shall pay ratably among the holders of shares or beneficial certificates then outstanding, semiannual dividends which shall approximately equal, in each fiscal year, the net income of the trust, or trusts.

(d) The provisions of the Corporate Securities Law shall not apply to the creation, administration, or termination of common trust funds created hereunder, nor to participation therein.

SEC. 6. Section 27000 of the Corporations Code is amended to read:

27000. Unless the provision or the context otherwise indicates, and except as expressly otherwise provided in this chapter, words used in this division have the meanings prescribed in Part 1 (commencing with Section 25000) of the Corporate Securities Law.

SEC. 7. Section 27001 of the Corporations Code is amended to read:

27001. As used in this division "security" includes all of the things enumerated in Section 25019 and also includes shares, stock, and investment certificates as defined in the Savings and Loan Association Law.

SEC. 8. Section 27002 of the Corporations Code is amended to read:

27002. As used in this division, "individual" includes every natural person, domestic or foreign private corporation, nonprofit corporation, unincorporated association, company, partnership of whatever kind, syndicate, joint stock company, trustee, protective committee, depositors' league, and other similar organization however described; but "individual" does not include any of the following persons:

(a) Any licensed practicing attorney rendering or performing services in connection with the practice of law.

(b) Any person holding a broker's or investment adviser's certificate then in effect issued by the commissioner, rendering or performing services as such.

(c) Any holder of a permit then in effect, granted by the commissioner under the Corporate Securities Law, permitting the issue of certificates of deposit.

SEC. 9. Section 54201 of the Agricultural Code is amended to read:

54201. An association is not subject in any manner to the terms of the Corporate Securities Law, Division 1 (commencing with Section 25000), Title 4 of the Corporations Code, and any association may issue its membership certificates or stock or other securities as provided in this chapter without the necessity of any qualification under that law.

SEC. 10. Section 14250 of the Financial Code is amended to read:

14250. The Corporate Securities Law relating to the necessity of qualification of the sale of securities does not apply to the sale and issue of membership shares, certificates for funds, and other securities, by credit unions organized under this division.

SEC. 11. Section 18600 of the Financial Code is repealed.

SEC. 12. Section 18601 of the Financial Code is amended to read:

18601. At the time of filing an application for qualification of the sale of securities, the applicant shall file with the commissioner a bond in the sum of one thousand dollars ($1,000), to be approved by the commissioner, in which the applicant is the obligor, with one or more sureties approved by the commissioner, whose liability as sureties need not exceed that amount in the aggregate.

SEC. 13. Section 18606 of the Financial Code is amended to read:

18606. In addition to the duty of the commissioner to examine the application pursuant to the provisions of the Corporate Securities Law, he shall conduct such further investigation as he deems necessary.

SEC. 14. Section 18607 of the Financial Code is amended to read:

18607. If the commissioner finds that the financial responsibility, experience, character, and general fitness of the applicant, and of the officers and directors thereof, are not such as to command the confidence of the community and to warrant the belief that the business will be operated honestly, fairly, and efficiently within the purposes of this division, he shall deny the qualification of the sale of securities.

SEC. 15. Section 18801 of the Financial Code is amended to read:

18801. Nothing in this division shall be construed as affecting in any manner the power or discretion of the commissioner, under the Corporate Securities Law or any other law of this state, with respect to the issuance of securities by industrial loan companies.

SEC. 16. Section 18813 of the Financial Code is amended to read:

18813. The commissioner may amend, alter, revoke, or suspend any qualification of the sale of securities if he finds any fact or condition which, if it had existed at the time of filing the application, would have warranted the commissioner in denying the qualification.

SEC. 17. This act shall become operative on January 2, 1969.

CHAPTER 89

An act to maintain the Water Code by amending Sections 12887.6, 25925, and 30546 of, and adding Sections 31805 and 31822 to, the Water Code, relating to water resources.

[Approved by Governor May 10, 1968. Filed with Secretary of State May 10, 1968.]

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

SECTION 1. Section 12887.6 of the Water Code is amended to read:

12887.6. A public agency may annually levy or cause to be levied upon all property in the public agency, or in any portion or portions thereof, subject to taxation or assessment by the public agency an ad valorem tax or assessment, based upon the assessed valuation of such property, necessary and sufficient to meet all commitments, financial or otherwise, of the public agency that are set forth in any contract which the agency enters into with the department under this chapter, in addition to any other taxes or assessments which the public agency is authorized to levy or cause to be levied on such property and notwithstanding any provision in the law applicable to such agency which might otherwise preclude or limit such taxing or assessing. Where the law applicable to such public agency does not set forth a procedure for levying and collecting taxes or assessments on an ad valorem basis, such public agency shall utilize the procedure for levying and collecting taxes for the payment of principal and interest on general obligation bonds of municipal water districts, set forth in the Municipal Water District Law of 1911 (Division 20 (commencing with Section 71000) of this code), as it may now or hereafter be amended, for the purpose of levying and collecting taxes or assessments necessary and sufficient to meet commitments in a contract entered into under this chapter.

SEC. 2. Section 25925 of the Water Code is amended to read:

25925. The annual district assessment upon land is a lien against the property assessed from and after the first day in March of the year in which the assessment is levied.

SEC. 3. Section 30546 of the Water Code is amended to read:

30546. Any regular employee of a district who is a deputy sheriff and is designated by appropriate resolution of the board, shall have the authority to issue citations in accordance with the provisions of Chapter 5b (commencing with Section 853.1) and Chapter 5c (commencing with Section 853.6), Title 3, Part 2 of the Penal Code for violations of laws of the state and ordinances of a city or county respecting trespass upon, damage to, interference with, or contamination of, any

water, watercourse, structure or facility owned, used or controlled by the district for any purpose.

SEC. 4. Section 31805 is added to the Water Code, to read:

31805. All district taxes levied on real property and improvements are a lien upon the same, which lien attaches as of noon on the first day of March of the year in which the tax is levied, and all taxes levied upon personal property are a lien upon the real property of the owner of the personal property, which lien attaches as of noon on the first day in March of the year in which the tax is levied.

SEC. 5. Section 31822 is added to the Water Code, to read:

31822. If the assessee owns taxable real property in fee in the district, the taxes due upon the possession of, claim to, or right to the possession of land are respectively a lien upon that real property, which lien attaches as of the first day of March in each year. The taxes need not be collected by the assessor if in his opinion the taxable real property is sufficient to secure the payment of the taxes.

SEC. 6. Sections 31805 and 31822 added to the Water Code by this act shall only apply to a county water district which on November 8, 1967, was assessing, levying, or collecting its own taxes, pursuant to Chapter 3 (commencing with Section 31730), Part 7, Division 12 of the Water Code.

CHAPTER 90

An act to amend Section 22702 of the Education Code, relating to Coordinating Council for Higher Education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 10, 1968. Filed with Secretary of State May 10, 1968.]

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

SECTION 1. Section 22702 of the Education Code is amended to read:

22702. The council shall prescribe rules for the transaction of its own affairs, subject, however, to the following requirement and limitations: (1) The votes of all representatives shall be recorded; (2) effective action shall require the affirmative vote of a majority of all the members of the council and (3) the affirmative votes of two-thirds of all the members of the council shall be necessary to the appointment or removal of the director.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: The Donahoe Higher Education Act was changed in 1965

to increase membership of the Coordinating Council for Higher Education from 15 to 18 but the change did not increase proportionately the number of votes needed for the council to take effective action, and in order to preserve this necessary relationship and to be effective for pending meetings of the council, this act must take immediate effect.

CHAPTER 91

An act to maintain the Elections Code by amending and renumbering the heading of Article 1.5 (commencing with Section 3520) of Chapter 1, Division 4, relating to elections.

[Approved by Governor May 10, 1968. Filed with Secretary of State May 10, 1968.]

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

SECTION 1. The heading of Article 1.5 (commencing with Section 3520) of Chapter 1, Division 4 of the Elections Code is amended and renumbered to read:

Article 1.7. Filing Petitions

CHAPTER 92

An act to maintain the Streets and Highways Code by amending Sections 2010, 2121, 31033, 31034, 31035, and 31040, and by amending and renumbering Section 10209, relating to streets and highways.

[Approved by Governor May 10, 1968. Filed with Secretary of State May 10, 1968.]

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

SECTION 1. Section 2010 of the Streets and Highways Code is amended to read:

2010. In order that the provisions of this chapter may be effectively carried out, the members of the board of supervisors of their respective counties shall make reasonable inspection from time to time of the roads within their counties maintained from funds supplied by this chapter. The additional mileage entailed by this section, not to exceed six hundred dollars ($600) in any one year, shall be a proper charge against and shall be paid from the one thousand six hundred sixty-seven dollars ($1,667) monthly apportionment to the county under subdivision (a) of Section 2104.

Such mileage shall be deemed to be in addition to any other mileage allowed by law or county charter, and each

supervisor who uses a privately owned automobile in the discharge of duties imposed upon him in connection with the county road system shall receive for the performance of such duties in addition to the compensation and any other allowances paid him as supervisor, but not in duplication of any other mileage allowed by law or county charter, twenty-five dollars ($25) per month for the first 250 miles traveled, without filing a report of the specific inspection tours requiring such mileage. For mileage traveled in excess of 250 miles, each supervisor shall be paid ten cents ($0.10) for each mile traveled up to 250 miles or twenty-five dollars ($25) for a total not to exceed 500 miles or fifty dollars ($50). The supervisor claiming such additional mileage shall file a report of the inspection tour or tours requiring such travel.

SEC. 2. Section 2121 of the Streets and Highways Code is amended to read:

2121. In May of each year each county shall submit to the department any additions or exclusions from its mileage of maintained county highways, specifying the termini and mileage of each route added or excluded from its county maintained roads. The department shall either approve or disapprove each such inclusion or exclusion and in the event of a disapproval the county shall have the right to appeal as provided in Section 74. The department shall as required by the State Controller certify to him county mileage figures. No appeal shall affect any apportionment made by the Controller pending the determination of the appeal. If, on such appeal, additional mileage is allowed the county, the department shall immediately certify the corrected figure to the Controller, and the same shall be used for subsequent apportionments.

On relinquishing any state highway or portion thereof to a county, the department shall immediately certify to the State Controller the mileage so relinquished and the same shall immediately be added to the county's maintained mileage of county roads for purposes of subsequent apportionments.

SEC. 3. Section 10209 of the Streets and Highways Code is amended and renumbered to read:

10210. To expedite the conduct of proceedings and the making of any acquisition or improvement authorized by this division the legislative body may at any time transfer into a special fund designated by the name of the improvement proceeding, out of any available funds of the municipality, such sums as it deems necessary. The sums so transferred are a loan to the special fund, and shall be repaid out of the proceeds of the assessments provided for in this division.

SEC. 4. Section 31033 of the Streets and Highways Code is amended to read:

31033. The authority may enter into a binding agreement with any city, county, district, or political subdivision of the state to repay any money or the value of any rights-of-way, labor, materials, or other property advanced or contributed

toward the expense of acquiring or constructing the toll bridge, but no repayment therefor shall be made until all obligations issued by the authority for the construction of such toll bridge have been fully redeemed and paid, and then only out of the tolls and revenues received from the operation of the toll bridge.

SEC. 5. Section 31034 of the Streets and Highways Code is amended to read:

31034. The collection of tolls shall be continued on the toll bridge until all bonds issued pursuant to this chapter for its construction are fully redeemed and paid.

SEC. 6. Section 31035 of the Streets and Highways Code is amended to read:

31035. After all bonds issued pursuant to this chapter for the construction of the toll bridge have been fully redeemed and paid, the authority may continue to collect tolls and other revenues for the use of such toll bridge for the purpose of reimbursing the state for any expenditures which have been made by it in connection with the toll bridge and for the purpose of repayment to any city, county, district, or political subdivision of the state of any amount the authority has agreed to repay for money, rights-of-way, labor, materials, or other property advanced or contributed for the acquisition or construction of the toll bridge.

SEC. 7. Section 31040 of the Streets and Highways Code is amended to read:

31040. After all bonds issued pursuant to this chapter for the construction of the toll bridge have been fully redeemed and paid, the authority shall either:

(a) Transfer the toll bridge to the Counties of Placer and El Dorado for operation and maintenance as a county road by the two counties free of tolls under an agreement executed pursuant to Article 1 (commencing with Section 6500) of Chapter 5, Division 7, Title 1 of the Government Code, which agreement shall provide, among other things, that the toll bridge shall either be operated and maintained free of tolls or that the rates of tolls shall be adjusted so as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the toll bridge under economical management; or

(b) Operate and maintain the toll bridge itself either free of tolls or at rates of toll adjusted so as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the toll bridge under economical management.

CHAPTER 93

An act to amend Section 31520 of the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor May 10, 1968. Filed with Secretary of State May 10, 1968.]

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

SECTION 1. Section 31520 of the Government Code is amended to read:

31520. The management of the retirement system is vested in the board of retirement, consisting of five members, one of whom shall be the county treasurer. The second and third members of the board shall be active members of the association elected by it within 30 days after the retirement system becomes operative in a manner determined by the board of supervisors. The fourth and fifth members shall be qualified electors of the county who are not connected with county government in any capacity, except one may be a supervisor and one may be a retired member, and shall be chosen by the board of supervisors. The first persons chosen as the second and fourth members shall serve for two years from the date the system becomes operative and the third and fifth members shall serve for a term of three years from that date. Thereafter the terms of office of the four elected members are three years.

As used in this section "active member" means a member in the active service of a county, district, municipal court or superior court and "retired member" means a member retired for service or disability.

CHAPTER 94

An act to amend Section 31592.3 of the Government Code, relating to the County Employees' Retirement Law of 1937, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 10, 1968. Filed with Secretary of State May 10, 1968.]

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

SECTION 1. Section 31592.3 of the Government Code is amended to read:

31592.3. In any county, earnings of the retirement fund, in excess of the total interest credited to contributions and reserves shall remain in the fund as a reserve against deficiencies in interest earnings in other years, losses on investments, and other contingencies, except that when the total amount in the

reserve exceeds 1 percent of the total assets of the retirement system, the board may transfer all or any part of such reserve in excess of 1 percent of the total assets into a special fund which shall be used for the sole purpose of providing an increase in monthly retirement allowance pursuant to Section 31681.7 or Section 31739.4. In the event the amount credited to the special fund is not sufficient to pay the entire amount of the increase provided for by Section 31681.7 or Section 31739.4 then the amount of the increase shall be reduced in proportion to the amount of the balance on hand in the special fund at the close of the fiscal year preceding the fiscal year during which such increase is operative.

This section shall not be operative in any county until such time as the board of supervisors shall, by ordinance, make the provisions of this section applicable in such county. The board of supervisors may in such ordinance provide that the increase in monthly retirement allowance provided for by Section 31681.7 or 31739.4 shall be effective only subject to the provisions of this section.

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

In order to make explicit the intent of the Legislature that the reserve created by Section 31592.3 of the Government Code need contain only an amount equal to 1 percent of the total assets of the fund, and that 1 percent of such amount need not be set aside as a reserve each year, it is necessary that this act take effect immediately.

CHAPTER 95

An act to amend Sections 1985 and 1987.5 of the Code of Civil Procedure, relating to subpoenas.

[Approved by Governor May 10, 1968. Filed with Secretary of State May 10, 1968.]

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

SECTION 1. Section 1985 of the Code of Civil Procedure is amended to read:

1985. The process by which the attendance of a witness is required is the subpoena. It is a writ or order directed to a person and requiring his attendance at a particular time and place to testify as a witness. It may also require him to bring with him any books, documents, or other things under his control which he is bound by law to produce in evidence. When a county recorder is using the microfilm system for recording, and he is subpoenaed to present a record, he shall

be deemed to have complied with the subpoena if he produces a certified copy thereof.

A copy of an affidavit shall be served with a subpoena duces tecum issued before trial, showing good cause for the production of the matters and things described in such subpoena, specifying the exact matters or things desired to be produced, setting forth in full detail the materiality thereof to the issues involved in the case, and stating that the witness has the desired matters or things in his possession or under his control.

The clerk, or if there be no clerk, the judge, shall issue a subpoena or subpoena duces tecum signed and sealed but otherwise in blank to a party requesting it, who shall fill it in before service. Nothing herein shall authorize the issuance of a subpoena or subpoena duces tecum in cases provided for by Sections 68097.1 to 68097.10, inclusive, of the Government Code unless the required payment or deposit has been made.

SEC. 2. Section 1987.5 of the Code of Civil Procedure is amended to read:

1987.5. The service of a subpoena duces tecum is invalid unless at the time of such service a copy of the affidavit upon which the subpoena is based is served on the person served with the subpoena. The original affidavit shall be filed with the court issuing the subpoena before the time designated for the appearance of the witness and production of the matters and things described in the subpoena, and in the case of a subpoena duces tecum which requires appearance and the production of matters and things at the taking of a deposition, the original shall be so filed not less than five days before such designated time, unless the court otherwise orders.

CHAPTER 96

An act to amend Sections 56184 and 56608 of the Agricultural Code, relating to agricultural commission merchants.

[Approved by Governor May 10, 1968. Filed with Secretary of State May 10, 1968.]

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

SECTION 1. Section 56184 of the Agricultural Code is amended to read:

56184. In addition to the general requirements which are applicable to all classes of applications as set forth in this article, the following requirements shall apply to the class of applications which is designated:

(a) Each application for a commission merchant's license shall include a complete schedule of commissions, together with an itemized listing of all charges for all services. Such designated commissions and charges shall not be changed or varied except by written contract between the parties. If

changed by a written contract, such charges shall be clearly set forth in detail in such written contract. Any services which are rendered for which charges are made, if not listed in the schedule on the application, shall be rendered on a strictly cost basis.

(b) Each application for an agent's license shall include such information as the director may consider proper or necessary, and shall include the name and address of applicant, and the name and address of the commission merchant, dealer, broker, or cash buyer that is represented or sought to be represented by the agent, and the written endorsement or nomination of such commission merchant, dealer, broker, or cash buyer.

SEC. 2. Section 56608 of the Agricultural Code is amended to read:

56608. It is a violation of this chapter if a commission merchant to whom any consignment is made has reconsigned such consignment to another commission merchant or employed a broker to effect the sale for the consignor and has deducted more than one charge for effecting the sale without the written consent of the consignor.

CHAPTER 97

An act to amend Section 969 of the Education Code, relating to junior college board meetings.

[Approved by Governor May 10, 1968 Filed with Secretary of State May 10, 1968]

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

SECTION 1. Section 969 of the Education Code is amended to read:

969. Meetings of the governing board of a high school district shall be held in the high school building. If there is no high school building in the high school district, or if in the judgment of the board, the interests of the district may be better served by holding its meetings elsewhere, it may meet at such other place in the high school district as it may by resolution determine.

The junior college board shall meet in a public building which is owned or leased by the junior college district.

If a junior college district consists of more than one high school district, or of more than one unified district, or of at least one high school district and one unified district, the junior college governing board may meet at any high school building in any of such districts, if a notice identifying the high school building in which the meeting will be held and the time and date of the meeting therein is posted in each junior college

maintained by the district at least 30 days prior to the meeting and remains so posted to and including the time of the meeting.

CHAPTER 98

An act to add Section 21163 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor May 10, 1968. Filed with Secretary of State May 10, 1968.]

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

SECTION 1. Section 21163 is added to the Government Code, to read:

21163. A person retired under this part may be appointed by the appointing power of a contracting agency and be paid a salary either during an emergency to prevent the stoppage of public business or because the retired employee has skills needed in performing specialized work of limited duration. Such appointments shall not exceed 30 working days in any calendar year and the rate of pay shall not exceed that paid by the contracting agency to other employees performing comparable duties. Such appointment shall be without reinstatement from retirement or loss or interruption of benefits under this part and no additional rights or benefits under this system shall be extended with respect to such appointment.

CHAPTER 99

An act to amend Sections 13329.1, 14001, and 14601 of the Education Code, relating to employment in the public schools.

[Approved by Governor May 10, 1968. Filed with Secretary of State May 10, 1968.]

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

SECTION 1. Section 13329.1 of the Education Code is amended to read:

13329.1. Service by a person in the public schools only as an instructor in classes organized under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, the Adult Education Act of 1966, or Section 11300 or Section 4012 of the Welfare and Institutions Code, shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

This section shall not be construed to apply to any regularly credentialed teacher who has been employed to teach in the regular educational programs of the school district as a probationary employee before being subsequently assigned to any one of these programs.

SEC. 2. Section 14001 of the Education Code is amended to read:

14001. The following persons are excluded from membership in the retirement system:

(a) Any person who shows to the satisfaction of the board, that he will be unable, by reason of the nature of his services, to become eligible to benefits thereunder.

(b) Persons employed in a status which is requisite for membership, but who are members of a county retirement system. A member who is excluded by this subdivision shall not be considered to have terminated his membership or right to a retirement allowance based on time served as a member unless he withdraws his contributions as provided in Section 14151.

(c) Persons serving as exchange teachers from outside of this state.

(d) Persons employed on a substitute basis, who are not already members when they become employed and who render less than 100 complete days of service during the school year. If, at the end of a pay period, a substitute teacher has rendered 100 or more complete days of substitute service in that school year and subsequently renders one or more complete days of such service in that school year, he shall become a member on the first day of the pay period during which such additional service was rendered.

(e) Persons not already members who are employed on a part-time basis and who will render less than 24 hours of service per pay period, or on a daily basis and who will serve less than four days per pay period.

(f) Persons not already members who are employed as instructors of adult education classes which have a duration of less than one school semester, or less than one school quarter of 12 weeks if the district operates its adult education program on that basis.

(g) Persons not already members who are employed as part-time teachers and who are concurrently employed in full-time positions as members of another retirement system, other than a local system or a system administered and supported by the United States government, supported wholly or in part by public funds.

For the purposes of this section a pay period may not be less than four weeks or more than one calendar month.

(h) Persons not already members employed in the public schools only as an instructor in classes organized under the

Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, the Adult Education Act of 1966, or Section 11300 or Section 4012 of the Welfare and Institutions Code.

This subdivision shall not be construed to apply to any regularly credentialed teacher who has been employed to teach in the regular educational programs of the school district as a probationary or permanent employee before being subsequently assigned to any one of these programs.

(i) Persons not already members who are employed for less than full time in positions requiring health and development credentials, or a standard credential in designated services for health.

SEC. 3. Section 14601 of the Education Code is amended to read:

14601. (a) Every regular full-time teacher and every other employee of any school district for which the plan for district retirement is adopted, who is employed by the district at the time of the adoption of the plan, and who signs an agreement to be subject to the burdens of the district retirement plan, shall be entitled to the benefits and subject to the burdens of the plan and of Sections 14551 to 14698, inclusive. Every regular full-time teacher employed in the public schools of the districts after the adoption of the provisions of Sections 14551 to 14698, inclusive, by the governing boards of the districts, and such other employees as the boards or the petition determines, shall be bound by the benefits and burdens of Sections 14551 to 14698, inclusive.

(b) This section shall not be applicable to a person employed in the public schools only as an instructor in classes organized under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, the Adult Education Act of 1966, or Section 11300 or Section 4012 of the Welfare and Institutions Code.

This subdivision shall not be construed to apply to any regularly credentialed teacher who has been employed to teach in the regular educational programs of the school district as a probationary or permanent employee before being subsequently assigned to any one of these programs.

SEC. 4. The Legislature hereby finds and declares that the amendments made in this act do not constitute a change in, but are only declaratory of, the preexisting law.

CHAPTER 100

An act making an appropriation for the Pacific Marine Fisheries Commission, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 10, 1968. Filed with Secretary of State May 10, 1968.]

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

SECTION 1. There is hereby appropriated from moneys in the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, the sum of thirteen thousand three hundred dollars ($13,300) to the Department of Fish and Game for the state's share of the expenses of the Pacific Marine Fisheries Commission, in accordance with the Pacific Marine Fisheries Compact, in augmentation of Item 210 of the Budget Act of 1967.

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

The Pacific Marine Fisheries Commission serves a vitally important role in the protection and preservation of the fishery resources of this state, and the Budget Act for the fiscal year 1967–1968 appropriates sufficient funds to provide for the state's share of the expenses of the commission for only six months of the fiscal year. In order to enable the commission to carry out its activities for the remainder of the year, it is essential that this appropriation take effect as soon as possible.

CHAPTER 101

An act to amend Section 1203 of the Penal Code, relating to sentencing.

[Approved by Governor May 10, 1968. Filed with Secretary of State May 10, 1968.]

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

SECTION 1. Section 1203 of the Penal Code is amended to read:

1203. After the conviction by plea or verdict of guilty of a public offense not amounting to a felony, in cases where discretion is conferred on the court or any board or commission or other authority as to the extent of the punishment, the court, upon application of the defendant or of the people or upon its own motion, may summarily deny probation, or

at a time fixed may hear and determine in the presence of the defendant the matter of probation of the defendant and the conditions of such probation, if granted. If probation is not denied, and in every felony case in which the defendant is eligible for probation, before any judgment is pronounced, and whether or not an application for probation has been made, the court must immediately refer the matter to the probation officer to investigate and to report to the court, at a specified time, upon the circumstances surrounding the crime and concerning the defendant and his prior record, which may be taken into consideration either in aggravation or mitigation of punishment. The probation officer must thereupon make an investigation of the circumstances surrounding the crime and of the prior record and history of the defendant, must make a written report to the court of the facts found upon such investigation, and must accompany said report with his written recommendations, including his recommendations as to the granting or withholding of probation to the defendant and as to the conditions of probation if it shall be granted. The report and recommendations must be made available to the court and the prosecuting and defense attorneys at least two days prior to the time fixed by the court for the hearing and determination of such report and must be filed with the clerk of the court as a record in the case at the time of said hearing. By written stipulation of the prosecuting attorney and the defense attorney, filed with the court, or by oral stipulation in open court made and entered upon the minutes of the court, the time within which the report and recommendations must be made available and filed, under the preceding provisions of this section, may be waived. At the time or times fixed by the court, the court must hear and determine such application, if one has been made, or in any case the suitability of probation in the particular case, and in connection therewith must consider any report of the probation officer, and must make a statement that it has considered such report which must be filed with the clerk of the court as a record in the case. If the court shall determine that there are circumstances in mitigation of punishment prescribed by law, or that the ends of justice would be subserved by granting probation to the defendant, the court shall have power in its discretion to place the defendant on probation as hereinafter provided; if probation is denied, the clerk of the court must forthwith send a copy of the report and recommendations to the Department of Corrections at the prison or other institution to which the defendant is delivered.

In every misdemeanor case, the court may, at its option refer the matter to the probation officer for investigation and report or summarily deny probation or summarily grant probation. If a misdemeanor case is not referred to the probation officer, the court in sentencing the defendant may consider any

information concerning the defendant, his prior record, and the circumstances surrounding the crime that could have been included in a probation report. The court shall inform the defendant of the information considered and permit the defendant to answer or controvert such information. For this purpose the court upon request of the defendant shall grant a continuance before pronouncing sentence.

The Legislature hereby expresses the policy of the people of the State of California to be that, except in unusual cases where the interest of justice demands a departure from the declared policy, no judge shall grant probation to any person who shall have been convicted of robbery, burglary or arson, and who at the time of the perpetration of said crime or any of them or at the time of his arrest was himself armed with a deadly weapon (unless at the time he had a lawful right to carry the same), nor to a defendant who used or attempted to use a deadly weapon upon a human being in connection with the perpetration of the crime of which he was convicted, nor to one who in the perpetration of the crime of which he was convicted willfully inflicted great bodily injury or torture, nor to any such person unless the court shall be satisfied that he has never been previously convicted of a felony in this state nor previously convicted in any other place of a public offense which would have been a felony if committed in this state.

Except as hereafter provided in this section, probation shall not be granted to any person who shall have been convicted of burglary with explosives, rape with force or violence, murder, assault with intent to commit murder, attempt to commit murder, train wrecking, kidnaping, escape from a state prison, conspiracy to commit any one or more of the aforementioned felonies, and who at the time of the perpetration of said crime or any of them or at the time of his arrest was himself armed with a deadly weapon (unless at the time he had a lawful right to carry the same), nor to a defendant who used or attempted to use a deadly weapon upon a human being in connection with the perpetration of the crime of which he was convicted, nor to one who in the perpetration of the crime of which he was convicted willfully inflicted great bodily injury or torture, nor to any defendant unless the court shall be satisfied that he has not been twice previously convicted of felony in this state nor twice previously convicted in any other place or places of public offenses which would have been felonies if committed in this state; nor to any defendant convicted of the crime of burglary with explosives, rape with force or violence, murder, attempt to commit murder, assault with intent to commit murder, train wrecking, extortion, kidnaping, escape from a state prison, violation of Sections 286, 288 or 288a of this code, or conspiracy to commit any one or more of the aforesaid felonies, unless the court shall be satisfied that he has never been previously convicted of a felony in this state nor previously convicted in any other place of a

public offense which would have been a felony if committed in this state; nor to any defendant unless the court shall be satisfied that he has never been previously convicted of a felony in this state nor convicted in any other place of a public offense which would have been a felony if committed in this state and at the time of the perpetration of said previous offense or at the time of his arrest for said previous offense he was himself armed with a deadly weapon (unless at the time he had a lawful right to carry the same) or he personally used or attempted to use a deadly weapon upon a human being in connection with the perpetration of said previous offense or in the perpetration of said previous offense he willfully inflicted great bodily injury or torture; nor to any public official or peace officer of the state, county, city, city and county, or other political subdivision who, in the discharge of the duties of his public office or employment, accepted or gave or offered to accept or give any bribe or embezzled public money or was guilty of extortion.

In unusual cases, otherwise subject to the preceding paragraph, in which the interests of justice would best be served thereby, the judge may, with the concurrence of the district attorney, grant probation.

No probationer shall be released to enter another state of the United States, unless and until his case has been referred to the California Administrator, Interstate Probation and Parole Compacts, pursuant to the Uniform Act for Out-of-state Probationer and Parolee Supervision.

In those cases in which the defendant is not eligible for probation, the judge may in his discretion refer the matter to the probation officer for an investigation of the facts relevant to sentence. The probation officer must thereupon make an investigation of circumstances surrounding the crime and the prior record and history of the defendant and make a written report to the court of the facts found upon such investigation.

CHAPTER 102

An act to amend Section 1174 of, and to add Section 1034.5 to, the Code of Civil Procedure, relating to unlawful detainer.

[Approved by Governor May 10, 1968. Filed with Secretary of State May 10, 1968.]

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

SECTION 1. Section 1034.5 is added to the Code of Civil Procedure, to read:

1034.5. In unlawful detainer proceedings, the plaintiff who recovers judgment for the restitution of premises and who advances or pays to the sheriff or marshal the costs required by

him for the eviction of any person or persons in possession or occupancy of said premises and the personal property of such person or persons, shall, within 10 days after being advised by the sheriff or marshal of the exact amount of such funds necessarily used and expended to effect such eviction, file a supplemental cost bill in the court in which the judgment was rendered claiming such additional costs and specify the items so paid and the amount thereof; the defendant may move to retax such costs within five days after service upon him of said cost bill; when fixed by the court, or upon failure of the defendant to file notice of motion to retax the same within five days after said service, judgment for such costs shall be immediately entered by the clerk and plaintiff may have execution therefor.

SEC. 2. Section 1174 of the Code of Civil Procedure is amended to read:

1174. If upon the trial, the verdict of the jury, or, if the case be tried without a jury, the findings of the court be in favor of the plaintiff and against the defendant, judgment shall be entered for the restitution of the premises; and if the proceedings be for an unlawful detainer after neglect, or failure to perform the conditions or covenants of the lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of such lease or agreement if the notice required by Section 1161 of the code states the election of the landlord to declare the forfeiture thereof, but if such notice does not so state such election, the lease or agreement shall not be forfeited.

The jury or the court, if the proceedings be tried without a jury, shall also assess the damages occasioned to the plaintiff by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved on the trial, and find the amount of any rent due, if the alleged unlawful detainer be after default in the payment of rent. Judgment against the defendant guilty of the forcible entry, or the forcible or unlawful detainer may be entered in the discretion of the court either for the amount of the damages and the rent found due, or for three times the amount so found.

When the proceeding is for an unlawful detainer after default in the payment of rent, and the lease or agreement under which the rent is payable has not by its terms expired, and the notice required by Section 1161 has not stated the election of the landlord to declare the forfeiture thereof, the court may, and, if the lease or agreement is in writing, is for a term of more than one year, and does not contain a forfeiture clause, shall order that execution upon the judgment shall not be issued until the expiration of five days after the entry of the judgment, within which time the tenant, or any subtenant, or any mortgagee of the term, or any other party interested in its continuance, may pay into the court, for the landlord, the amount found due as rent, with interest thereon, and the

amount of the damages found by the jury or the court for the unlawful detainer, and the costs of the proceedings, and thereupon the judgment shall be satisfied and the tenant be restored to his estate.

But if payment as here provided be not made within five days, the judgment may be enforced for its full amount, and for the possession of the premises. In all other cases the judgment may be enforced immediately.

A plaintiff, having obtained a writ of restitution of the premises pursuant to an action for unlawful detainer, shall be entitled to have the premises restored to him by officers charged with enforcement of such writs. The enforcing officer shall serve such writ promptly upon payment of reasonable costs of service. If the tenant does not vacate the premises within five days from the date of service of such writ, the enforcing officer shall remove the tenant from the premises and place the plaintiff in possession thereof.

All goods, chattels or personal property of the tenant remaining on the premises at the time of its restitution to the plaintiff shall be stored by the plaintiff in a place of safekeeping for a period of 30 days and may be redeemed by the tenant upon payment of reasonable costs incurred by the plaintiff in providing such storage and the judgment rendered in favor of plaintiff, including costs. Plaintiff may, if he so elects, store such goods, chattels or personal property of the tenant on the premises, and the costs of storage in such case shall be the fair rental value of the premises for the term of storage. An inventory shall be made of all goods, chattels or personal property left on the premises prior to its removal and storage or storage on the premises. Such inventory shall either be made by the enforcing officer or shall be verified in writing by him. The enforcing officer shall be entitled to his costs in preparing or verifying such inventory.

In the event the property so held is not removed within 30 days, such property shall be deemed abandoned and may be sold at a public sale. All money realized from the sale of such personal property shall be used to pay the costs of the plaintiff in storing and selling such property, and any balance thereof shall be applied in payment of plaintiff's judgment, including costs. Any remaining balance shall be returned to the defendant.

CHAPTER 103

An act to amend Section 671 of the Revenue and Taxation Code, relating to appraiser training, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 10, 1968. Filed with Secretary of State May 10, 1968.]

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

SECTION 1. Section 671 of the Revenue and Taxation Code is amended to read:

671. In order to retain a valid appraiser's certificate every holder shall be exposed to at least 24 hours of training conducted or approved by the State Board of Equalization in each one-year period, commencing July 1, 1968.

Any excess in training time over the 24-hour minimum accumulated in any one year shall be carried over as credit for future training requirements with a limit of three years in which the carryover time may be credited, and any training time accumulated between July 1, 1967, and June 30, 1968, shall be carried over as credit for the training required in the one-year period commencing July 1, 1968.

Failure to receive such training shall constitute grounds for revocation of an appraiser's certificate; provided, however, that proceedings to revoke shall be conducted in accordance with the Administrative Procedure Act contained in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Training shall include, but not be limited to, new developments in the case and statutory law and administrative rules.

SEC. 2. It is the intent of the Legislature that the State Board of Equalization provide for one-half of the necessary training sessions by January 1, 1969.

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:

Many assessors have been unable to plan and obtain approval of the State Board of Equalization for a training program to begin during the year ending June 30, 1968. This act will permit the assessors additional time to plan and implement an effective training program without impairing their ability to function effectively. In doing so, the public policy of the state as expressed in the Constitution will be entirely fulfilled and the state as a whole will benefit.

CHAPTER 104

An act to amend Sections 35106, 35303, and 35950 of, to add Sections 35152.5, 35950.1, 35950.2, 35950.3, 35950.4, 35950.5, 35950.6, 35950.7, 36433, and 36434 to, and to repeal Section 35001 of, the Water Code, relating to California water districts.

[Approved by Governor May 10, 1968. Filed with Secretary of State May 10, 1968.]

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

SECTION 1. Section 35001 of the Water Code is repealed.

SEC. 2. Section 35106 of the Water Code is amended to read:

35106. The ballots used at any general district election, including bond elections, shall be provided by the county clerk pursuant to the provisions of the Uniform District Election Law and shall be in the following form:

(a) Each ballot shall have a perforated line across the top portion of the ballot two inches down and parallel to the top thereof. From this perforated line to the top of the ballot a vertical perforated line shall be placed in the center of the ballot.

(b) Above the perforated line and on both sides of the vertical perforation the ballot shall be printed with the name of the district, the date of the election and the ballot number. All ballots shall be numbered consecutively starting with number one.

(c) Above the perforated line and to the left of the vertical perforation shall be printed: "Number of votes entitled to cast:".

(d) Below the perforated line the following shall be printed in the order enumerated:

(1) The name of the district and the date of the election.

(2) "Number of votes entitled to cast:".

(3) A solid black line. Immediately under the line shall be printed: "Fold bottom of ballot up to this line."

(4) The names of the candidates with the incumbents for each office named first followed by the other candidates for that office in alphabetical order.

(5) Any propositions, including authorizations to issue bonds, or other matters to be submitted to the voters.

(e) Appropriate squares shall be placed after each candidate and proposition on the right side of the ballot.

(f) Appropriate voting instructions may be placed on the ballot.

SEC. 3. Section 35152.5 is added to the Water Code, to read:

35152.5. All district bond elections, after having been called and noticed pursuant to the provisions of this chapter, shall be held and conducted in the manner provided for general district elections of the district.

SEC. 4. Section 35303 of the Water Code is amended to read:

35303. The bylaws shall provide for:

(a) The manner of voting in person or by proxy.

(b) The qualifications and duties of officers, the tenure of their office, and the time and manner of their appointment or election, insofar as not provided for in the Uniform District Election Law.

(c) The compensation of officers.

SEC. 4.5. Section 35950 of the Water Code is amended to read:

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

SEC. 5. Section 35950.1 is added to the Water Code, to read:

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

SEC. 6. Section 35950.2 is added to the Water Code, to read:

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

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

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

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

(d) That assessments for carrying out said purpose shall be levied exclusively on the lands of the district or improvement district including any territory annexed thereto.

(e) That a map of the exterior boundaries of the district or an improvement district is on file with the secretary of the

district and is available for inspection by any person or persons interested.

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

SEC. 7. Section 35950.3 is added to the Water Code, to read:

35950.3. Notice of said hearing shall be given by publishing a copy of the resolution provided for in Section 35950.2 in a newspaper of general circulation published in each affected county, pursuant to Section 6066 of the Government Code; the first publication to be at least fourteen (14) days prior to the time fixed for the hearing. Said notice shall also be given by posting a copy of said resolution in three public places within the district or the improvement district for at least fourteen (14) days prior to the time fixed for said hearing. No notice other than that required by this section need be given.

SEC. 8. Section 35950.4 is added to the Water Code, to read:

35950.4. At the time and place so fixed or at any time or place to which the hearing is continued, the board shall hold the hearing provided for by said resolution at which hearing any person interested, including all persons owning land in the district or improvement district to which the hearing pertains, may appear and be heard concerning any matters set forth in the resolution or any matters material thereto. At the conclusion of the hearing on the proposed plan, or the proposed changes or supplements, the board may, by resolution, adopt the proposed plan of works, or amend the plan of works previously adopted in accordance with the proposed changes or supplements. The board shall set forth the estimated cost of carrying out any plan of works and the purpose to be accomplished. If there is any change in the estimated cost of carrying out the plan of works and the purposes to be accomplished, the amended total of the estimated expense shall be set forth specifically. Additionally, in the event that any bonds to accomplish the original plan of works have been previously investigated and approved for certification by the California Districts Securities Commission, the resolution shall request approval thereof by the commission and any such change or supplement shall not be effective until the approval of the commission has been obtained.

SEC. 9. Section 35950.5 is added to the Water Code, to read:

35950.5. If the issuance of bonds has been authorized previously by the district or by the district for an improvement district and the change or supplement to the plan of works has increased the original estimate of cost, the board may pro-

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

SEC. 10. Section 35950.6 is added to the Water Code, to read:

35950.6. If two-thirds of the votes cast at a special bond election favor the issuance of the bonds necessary to accomplish the change or supplement to the plan of works as herein authorized, the board may, by resolution at such time or times as it deems proper, provide for the issuance of all or any part of said bonds.

SEC. 11. Section 35950.7 is added to the Water Code, to read:

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

SEC. 12. Section 36433 is added to the Water Code, to read:

36433. The board may advance general funds of the district to accomplish an approved plan of works of an improvement district.

SEC. 13. Section 36434 is added to the Water Code, to read:

36434. The board shall repay the district for any advance of funds with any money received which is authorized by law to be used for such a purpose including the proceeds of the sale of bonds authorized for the purposes of the improvement district.

CHAPTER 105

An act to amend Section 46376 of the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 10, 1968. Filed with Secretary of State May 10, 1968.]

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

SECTION 1. Section 46376 of the Water Code is amended to read:

46376. Each interim project assessment shall be levied in an equal amount upon each acre of land in the district. The total amount of all interim project assessments for any district project shall not exceed five dollars ($5) per acre.

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:

Several water storage districts and improvement districts therein are now proceeding with the planning, financing and construction of irrigation projects to enable them to provide needed water for agriculture in such districts by utilizing the supply which will soon become available from the State of California. In order to facilitate the financing of these projects and to assure their completion as soon as practicable, and thereby to make provision for the water needed to preserve the health and safety of the citizens residing in the affected areas, it is now necessary to amend the law with respect to interim project assessments of water storage districts and improvement districts therein, and it is therefore essential that this act go into immediate effect.

CHAPTER 106

An act to add Article 3.5 (commencing with Section 34290) to Chapter 1, Part 2, Division 24 of the Health and Safety Code, relating to housing authorities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 10, 1968. Filed with Secretary of State May 10, 1968.]

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

SECTION 1. Article 3.5 (commencing with Section 34290) is added to Chapter 1, Part 2, Division 24, of the Health and Safety Code, to read:

Article 3.5. Alternative Officers

34290. As an alternative to the appointment of five commissioners of the authority, the governing body of any county or city may, at the time of the adoption of a resolution pursuant to Section 34240 of this chapter, declare itself to be the commissioners of the authority, in which case, all the rights, powers, duties, privileges and immunities, vested by this chapter in the commissioners of an authority, except as otherwise provided in this article, shall be vested in the governing body.

34291. A governing body of a county or city which has declared itself to be the commissioners of the authority pursuant to Section 34290 may, by ordinance, create a housing commission. The number of members thereof, their terms of office, their qualifications, and the method of their appointment and removal shall be as provided by ordinance.

34292. If a housing commission is created as provided in Section 34291, its functions shall be advisory and shall be defined by ordinance or resolution of the governing body.

34293. A governing body of a county or city which has declared itself to be the commissioners of the authority pursuant to Section 34290 may, at any time by resolution, determine that it shall no longer function as the commissioners of the authority, in which event, the mayor, if elected, or the governing body, pursuant to Sections 34270 or 34271, shall appoint five persons as commissioners of the authority, and, upon such appointment, the housing commission, if any, shall no longer function.

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

In various cities and counties within the state there is an urgent need for housing authorities to be governed by the governing body of the county or city, which authorizes the transaction of business or the exercise of powers by the housing authority in the county or city, as the case may be. In order that each such housing authority may function immediately with such governing board, it is essential this act go into immediate effect.

CHAPTER 107

An act to amend Section 11003.4 of the Revenue and Taxation Code, relating to vehicle license fees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 10, 1968. Filed with Secretary of State May 10, 1968.]

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

SECTION 1. Section 11003.4 of the Revenue and Taxation Code is amended to read:

11003.4. As soon as the report is returned to the auditor he shall distribute the amounts received by him under Section 11003.3 in the following manner:

(a) If the trailer coaches have situs in a city and any school districts, the proceeds shall be distributed one-third to the city, one-third to the school districts, and one-third to the county.

(b) If the trailer coaches have situs outside the city, but in any school districts, the proceeds shall be distributed one-half to the school districts and one-half to the county.

(c) If the trailer coaches have situs in an elementary school district and a high school district, the proceeds allotted to the school districts shall be divided equally between the elementary school district and the high school district, to the exclusion of all other educational districts.

The details of the method of distribution shall be supplied by the county auditor, shall be approved by the board of supervisors, and shall fairly carry out the purposes of this section.

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

In order that the county auditor have a basis for distributing funds derived from fees imposed on trailer coaches, it is necessary for this act to go into immediate effect.

CHAPTER 108

An act to add Sections 54931.7 and 54933 to the Government Code, relating to local agencies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 10, 1968. Filed with Secretary of State May 10, 1968.]

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

SECTION 1. Section 54931.7 is added to the Government Code, to read:

54931.7. Notwithstanding the provisions of Sections 54902 and 54903, any maintenance district organized pursuant to the provisions of Chapter 26 (commencing with Section 5820) of Part 3 of Division 7 of the Streets and Highways Code prior to March 25, 1968, shall be effective for assessment and taxation purposes if the statement and map or plat required by Sections 54900 and 54901 is filed by the district on or before April 24, 1968.

SEC. 2. Section 54933 is added to the Government Code, to read:

54933 Notwithstanding Sections 54901, 54902 and 54903, any annexation of public property by a city with respect to which the statement and map or plat required by this chapter were filed with the Secretary of State and the county recorder of the county in which the city is located prior to January 1, 1968, shall be effective for assessment and taxation purposes in 1968 and thereafter if the statement and map or plat are filed prior to April 15, 1968, with the State Board of Equalization and the county assessor of the county in which the city is located. Upon such filing, the annexed public property shall be exempt from taxation by the county in which such property is located as if all required filings had been completed prior to January 1, 1968.

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

This act will permit maintenance districts which were organized prior to March 25, 1968, to levy taxes for the fiscal year commencing on July 1, 1968. In addition, this act will prevent taxation of public property annexed by a city in 1967 which would have been free of such taxation except for a procedural defect in not making certain required filings by January 1, 1968. In order that this act may take effect in time for such districts to assess and levy taxes by July 1, 1968, and to prevent unintended taxation of certain publicly owned city property in 1968, it is essential that it go into effect immediately.

CHAPTER 109

An act to maintain the Labor Code by amending Sections 72, 1354, and 1413, and by amending the titles of Chapter 4 (commencing with Section 3070) of Division 3 and Article 7 (commencing with Section 4850) of Chapter 2, Part 2, Division 4, and by repealing Division 4.6 (commencing with Section 6200), relating to labor.

[Approved by Governor May 13, 1968. Filed with Secretary of State May 13, 1968.]

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

SECTION 1. Section 72 of the Labor Code is amended to read:

72. One of the members of the Industrial Welfare Commission may be appointed Chief of the Division of Industrial Welfare. The members of the commission, other than the member who is appointed Chief of the Division of Industrial Welfare, shall receive twenty dollars ($20) for each day's actual attendance at meetings of the commission and shall receive their actual and necessary expenses incurred in the performance of their duties.

SEC. 2. Section 1354 of the Labor Code is amended to read:

1354. Every person, or the agent or officer thereof, employing any female who violates any provision of this article, or who employs, or permits any female to work in violation thereof, is guilty of a misdemeanor, punishable, for a first offense, by a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100); and for a second or subsequent offense, by a fine of not less than one hundred dollars ($100) nor more than two hundred fifty dollars ($250), or imprisonment for not more than 60 days, or both.

SEC. 3. Section 1413 of the Labor Code is amended to read:

1413. As used in this part:

(a) "Person" includes one or more individuals, partnerships, associations or corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(b) "Employment agency" includes any person undertaking for compensation to procure employees or opportunities to work.

(c) "Labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

(d) "Employer," except as hereinafter provided, includes any person regularly employing five or more persons, or any person acting as an agent of an employer, directly or indi-

rectly; the state or any political or civil subdivision thereof and cities.

"Employer" does not include a social club, fraternal, charitable, educational or religious association or corporation not organized for private profit.

"Employer" does not include a person with respect to the person's employment of agricultural workers residing on the land where they are employed as farmworkers.

(e) "Employee" does not include any individual employed by his parents, spouse or child, or in the domestic service of any person in his home; and it does not include agricultural workers residing on the land, where they are employed as farmworkers.

(f) "Commission," unless a different meaning clearly appears from the context, means the State Fair Employment Practice Commission created by this part.

(g) "Affirmative actions" means any educational activity for the purpose of securing greater employment opportunities for members of racial, religious, or nationality minority groups and any promotional activity designed to secure greater employment opportunities for the members of such groups on a voluntary basis.

SEC. 4. The title of Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code is amended to read:

CHAPTER 4. APPRENTICESHIP

SEC. 5. The title of Article 7 (commencing with Section 4850) of Chapter 2 of Part 2 of Division 4 of the Labor Code is amended to read:

Article 7. City Police and Firemen, Sheriffs, and Others

SEC. 6. Division 4.6 (commencing with Section 6200) of the Labor Code is repealed.

CHAPTER 110

An act to maintain the Military and Veterans Code by repealing Article 5 (commencing with Section 992.1) of Chapter 6 of Division 4, relating to California Veterans' Commission.

[Approved by Governor May 13, 1968 Filed with Secretary of State May 13, 1968.]

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

SECTION 1. Article 5 (commencing with Section 992.1) of Chapter 6 of Division 4 of the Veterans and Military Code is repealed.

CHAPTER 111

An act to amend Section 74724 of the Government Code, relating to courts.

[Approved by Governor May 13, 1968. Filed with Secretary of State May 13, 1968.]

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

SECTION 1. Section 74724 of the Government Code is amended to read:

74724. The Sheriff of Sonoma County shall be ex officio marshal of the municipal court. He shall serve and assist the municipal court without additional compensation.

CHAPTER 112

An act to amend Section 11012 of the Government Code, relating to the investment of funds by state agencies.

[Approved by Governor May 13, 1968. Filed with Secretary of State May 13, 1968.]

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

SECTION 1. Section 11012 of the Government Code is amended to read:

11012. Whenever any state agency, including but not limited to state agencies acting in a fiduciary capacity, is authorized to invest funds, or to sell or exchange securities, prior approval of the Department of Finance to the investment, sale or exchange shall be secured.

Every state agency shall furnish the Department of Finance with such reports and in such form, relating to the funds or securities, their acquisition, sale or exchange, as may be requested by the Department of Finance from time to time.

This section does not apply to the following state agencies.

(a) Any state agency when issuing or dealing in securities authorized to be issued by it.

(b) The Treasurer.

(c) The Regents of the University of California.

(d) Department of Employment.

(e) Department of Veterans Affairs.

(f) Hastings College of Law.

(g) Board of Administration of the California State Employees' Retirement System.

(h) State Compensation Insurance Fund.

(i) California Toll Bridge Authority and Department of Public Works when acting in accordance with bond resolutions

adopted under the California Toll Bridge Authority Act prior to the effective date of this section.

(j) Teachers' Retirement Board of the State Teachers' Retirement System.

CHAPTER 113

An act to repeal Section 3303 of the Civil Code, relating to foreign bills of exchange.

[Approved by Governor May 13, 1968 Filed with Secretary of State May 13, 1968]

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

SECTION 1. Section 3303 of the Civil Code is repealed.

CHAPTER 114

An act to amend Section 28124 of the Government Code, relating to county supervisors.

[Approved by Governor May 13, 1968 Filed with Secretary of State May 13, 1968.]

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

SECTION 1. Section 28124 of the Government Code is amended to read:

28124. In a county of the 24th class the following shall receive as compensation for their services required of them by law or by virtue of their offices the following sums:

(a) The auditor, ten thousand two hundred dollars ($10,200) a year. He shall also perform the duties of controller. When required by the board of supervisors to compile an annual statistical report, he shall receive one hundred fifty dollars ($150) from the general fund of the county as compensation for compiling the report.

(b) The district attorney, twelve thousand dollars ($12,000) a year. He shall not engage in private law practice and shall devote all his time and attention during business hours to the duties of his office.

(c) Each supervisor, seven thousand eight hundred dollars ($7,800) a year for all services performed by him as supervisor and as a member of the board of equalization. No mileage allowance is necessary as the county furnishes automobiles for the use of supervisors.

(d) For each day's attendance as a grand juror or a trial juror in the superior court, three dollars ($3) a day; for each mile traveled in attending court as such juror, twelve cents ($0.12), in going only.

A grand juror, when attending as a member of a regularly constituted committee or subcommittee of the grand jury, shall receive the same per diem and mileage as is allowed for attending court.

The compensation provided by this section shall be paid to incumbent officers.

SEC. 2. Notwithstanding Sections 28124, 28160 and 53071 of the Government Code, the salary increase granted to the board of supervisors by the amendment of Section 28124 of the Government Code at the 1968 Regular Session of the Legislature shall not become effective until a supervisor shall have entered upon a new term of office on such board after the effective date of this act.

CHAPTER 115

An act to amend Section 25205 of the Education Code, relating to the State College Contract Act.

[Approved by Governor May 13, 1968. Filed with Secretary of State May 13, 1968.]

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

SECTION 1. Section 25205 of the Education Code is amended to read:

25205. Where the nature of the work in the opinion of the trustees is such that the application of all of the provisions of this chapter in connection therewith are not required, it may, with the approval of the Department of Finance, carry out the project pursuant to this section if the estimated cost does not exceed sixty-five thousand dollars ($65,000).

If the estimated total cost of any construction project or work carried out under this section exceeds five thousand dollars ($5,000), the trustees shall solicit bids in writing and shall award the work to the lowest responsible bidder or reject all bids. The trustees may carry out work in excess of five thousand dollars ($5,000) under the provisions of this section by day labor if they deem that the award of a contract, the acceptance of bids, or the acceptance of further bids is not in the best interests of the state, but the amount of work performed by day labor under this section shall not exceed the sum of twenty thousand dollars ($20,000).

CHAPTER 116

An act to amend Section 6702 of the Welfare and Institutions Code, relating to mental health.

[Approved by Governor May 13, 1968 Filed with Secretary of State May 13, 1968.]

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

SECTION 1. Section 6702 of the Welfare and Institutions Code is amended to read:

6702. 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).

CHAPTER 117

An act to add Section 4986.1 to the Revenue and Taxation Code, relating to taxes.

[Approved by Governor May 13, 1968. Filed with Secretary of State May 13, 1968.]

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

SECTION 1. Section 4986.1 is added to the Revenue and Taxation Code, to read:

4986.1. The board of supervisors of any county may prescribe that where the amount of unpaid taxes, penalties and costs to be transferred to the unsecured roll pursuant to Section 4986 is less than ten dollars ($10), such taxes, penalties and costs shall be canceled rather than transferred to the unsecured roll.

CHAPTER 118

An act to add Section 1144.5 to the Probate Code, relating to expenditures of public administrators.

[Approved by Governor May 13, 1968. Filed with Secretary of State May 13, 1968.]

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

SECTION 1. Section 1144.5 is added to the Probate Code, to read:

1144.5. When a public administrator has taken charge of the estate of a decedent as provided in Section 1140, costs in-

curred by him for the protection of the estate, together with a reasonable fee for his services of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100), shall be a proper and legal charge as an expense of administration of the estate of the decedent, in case of the subsequent appointment of another person as executor or administrator of the estate.

CHAPTER 119

An act to amend Section 19252 of the Government Code, relating to state civil service.

[Approved by Governor May 13, 1968 Filed with Secretary of State May 13, 1968.]

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

SECTION 1. Section 19252 of the Government Code is amended to read:

19252. Upon giving two days' notice to his immediate superior, any state employee otherwise qualified shall be permitted to take any state civil service examination during working hours, if the examination is scheduled during such period, or to attend a meeting of the board at which is scheduled for consideration a matter specifically affecting his position concerning which he has requested to be heard, without deduction of pay or other penalty. Employment interviews for eligibles on eligible lists shall be considered part of the examination process under this part.

CHAPTER 120

An act to repeal Sections 12933 and 12934 of the Agricultural Code, relating to economic poisons.

[Approved by Governor May 13, 1968 Filed with Secretary of State May 13, 1968]

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

SECTION. 1. Section 12933 of the Agricultural Code is repealed.

SEC. 2. Section 12934 of the Agricultural Code is repealed.

CHAPTER 121

An act to amend Section 407 of the Code of Civil Procedure, relating to civil actions.

[Approved by Governor May 13, 1968. Filed with Secretary of State May 13, 1968.]

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

SECTION 1. Section 407 of the Code of Civil Procedure is amended to read:

407. The summons must be directed to the defendant, signed by the clerk or judge, and issued under the seal of the court. It must contain:

1. The title of the court in which the action is brought, the name of the county in which the complaint is filed and, in municipal and justice courts, the name of the judicial district in which such court is established;

2. The names of the parties to the action;

3. A direction that the defendant file with the clerk of the court in which the action is brought a written pleading, or, in the justice court, file a written pleading or make an oral pleading, in response to the complaint within 10 days, if the summons is served within the county in which the action is brought, or within 30 days, if served elsewhere, except that if the action is against the state pursuant to Section 738.5 of this code, within 180 days;

4. A notice, that unless the defendant so files a written responsive pleading, or, in the justice court, files a written pleading or makes an oral pleading, the plaintiff will take judgment for any money or damages demanded in the complaint as arising upon contract, or will apply to the court for any other relief demanded in the complaint;

5. The following statement in boldface type:

You may seek the advice of an attorney on any matter connected with the complaint or this summons. Such attorney should be consulted within the time limit stated in this summons for filing a pleading to the complaint.

CHAPTER 122

An act to maintain the Penal Code by amending Sections 484d, 484i, 647c, 1020, 1328, and 2037, relating to crimes and punishment.

[Approved by Governor May 13, 1968. Filed with Secretary of State May 13, 1968.]

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

SECTION 1. Section 484d of the Penal Code is amended to read:

484d. As used in this section and Sections 484e to 484i, inclusive:

(1) "Cardholder" means the person or organization identified on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer.

(2) "Credit card" means any instrument or device, whether known as a credit card, credit plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value, either on credit or in consideration of an undertaking or guaranty by the issuer of the payment of a check drawn by the cardholder.

(3) "Expired credit card" means a credit card which shows on its face it has elapsed.

(4) "Issuer" means the business organization or financial institution which issues a credit card or its duly authorized agent.

(5) "Participating party" means business organization or financial institution which is obligated by contract to acquire from a merchant a sales slip or sales draft or instrument for the payment of money evidencing a credit card transaction and from whom the issuer is obligated by contract to acquire such sales slip, sales draft, or instrument for the payment of money.

(6) "Merchant" means every person who is authorized by an issuer or a participating party to furnish money, goods, services or anything else of value upon presentation of a credit card by a cardholder.

(7) A credit card is "incomplete" if part of the matter other than the signature of the cardholder which an issuer requires to appear on the credit card before it can be used by a cardholder has not been stamped, embossed, imprinted, or written on it.

(8) "Revoked credit card" means a credit card for which permission to use it has been suspended or terminated by the issuer and notice thereof has been given to the cardholder.

SEC. 2. Section 484i of the Penal Code is amended to read:

484i. (a) Every person who possesses an incomplete credit card, with intent to complete it without the consent of the issuer is guilty of a misdemeanor.

(b) Every person who with intent to defraud possesses, with knowledge of its character, machinery, plates or any other contrivance designed for, and made use of in, the reproduction of instruments purporting to be the credit cards of an issuer who has not consented to the preparation of such credit cards, is punishable by imprisonment in the state prison for not less than one, nor more than 14 years, or by imprisonment in the county jail for not more than one year.

SEC. 3. Section 647c of the Penal Code is amended to read:

647c. Every person who willfully and maliciously obstructs the free movement of any person on any street, sidewalk, or other public place or on or in any place open to the public is guilty of a misdemeanor.

Nothing in this section affects the power of a county or a city to regulate conduct upon a street, sidewalk, or other public place or on or in a place open to the public.

SEC. 4. Section 1020 of the Penal Code is amended to read:

1020. All matters of fact tending to establish a defense other than one specified in the fourth, fifth, and sixth subdivisions of Section 1016, may be given in evidence under the plea of not guilty.

SEC. 5. Section 1328 of the Penal Code is amended to read:

1328. A subpoena may be served by any person, but a peace officer must serve in his county any subpoena delivered to him for service, either on the part of the people or of the defendant, and must, without delay, make a written return of the service, subscribed by him, stating the time and place of service. The service is made by showing the original to the witness personally, informing him of its contents, and delivering him a copy.

Whenever any peace officer designated in Section 817 of this code is required as a witness before any court or magistrate in any action or proceeding in connection with a matter regarding an event or transaction which he has perceived or investigated in the course of his duties, a subpoena requiring his attendance may be served either by delivering a copy to such peace officer personally or by delivering two copies to his immediate superior or agent designated by his immediate superior to receive such service. If service is made upon the immediate superior or agent designated by the immediate

superior, the immediate superior or such agent shall deliver a copy of the subpoena to the peace officer as soon as possible and in no event later than such time as will enable the peace officer to comply with the subpoena.

If the immediate superior or his designated agent upon whom service is attempted to be made knows he will be unable to deliver a copy of the subpoena to the peace officer within such time as will allow the peace officer to comply with the subpoena, such immediate superior or agent may refuse to accept service of process and is excused from any duty, liability, or penalty arising in connection with such service, upon notifying the server of such fact.

If an immediate superior or his agent is tendered service of a subpoena less than five working days prior to the date of hearing, and he is not reasonably certain he can complete the service, he may refuse acceptance.

If an immediate superior or agent upon whom service has been made, subsequently determines that he will be unable to deliver a copy of the subpoena to the peace officer within such time as will allow the peace officer to comply with the subpoena, the immediate superior or agent shall notify the server or his office or agent not less than 48 hours prior to the hearing date indicated on the subpoena, and is thereby excused from any duty, liability, or penalty arising because of his failure to deliver a copy of the subpoena to the peace officer. The server, so notified, is therewith responsible for preparing the written return of service and for notifying the originator of the subpoena if required.

SEC. 6. Section 2037 of the Penal Code is amended to read:

2037. There may be transferred to and confined in the Deuel Vocational Institution any male, subject to the custody, control and discipline of the Director of Corrections or the Youth Authority, who the Director of Corrections or Youth Authority, as the case may be, believes will be benefited by confinement in such an institution. Whenever by reason of any law governing the commitment of a person to the Youth Authority or to an institution under the jurisdiction of the Youth Authority such person is deemed not to be a person convicted of a crime, the transfer or placement of such person in the Deuel Vocational Institution shall not affect the status or rights of the person and shall not be deemed to constitute a conviction of a crime. Section 644 of this code shall apply to any person who has served a term in the Deuel Vocational Institution after transfer thereto by the Director of Corrections.

CHAPTER 123

An act to amend Section 28148 of the Government Code, relating to compensation for public service in counties.

[Approved by Governor May 13, 1968. Filed with Secretary of State May 13, 1968.]

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

SECTION 1. Section 28148 of the Government Code is amended to read:

28148. In a county of the 48th class the following shall receive as compensation for their services required of them by law or by virtue of their offices the following sums:

(a) The auditor, seven thousand five hundred dollars ($7,500) a year.

(b) The district attorney, nine thousand six hundred dollars ($9,600) a year.

(c) Each supervisor shall receive four thousand eight hundred dollars ($4,800) a year, and mileage for each regular or special meeting of the board for each day's attendance, at ten cents ($0.10) a mile actually traveled. Each supervisor shall also receive his necessary expenses when the performance of his duty as supervisor takes him out of the county.

(d) Grand jurors and trial jurors in the superior court shall receive six dollars ($6) for each day's attendance, and eight cents ($0.08) for each mile actually traveled for each day's attendance.

SEC. 2. Notwithstanding Sections 28160 and 53071 of the Government Code, the salary increase granted to the board of supervisors by the amendment of Section 28148 of the Government Code at the 1968 Regular Session of the Legislature shall not become effective until a supervisor shall have entered upon a new term of office on such board after the effective date of this act.

CHAPTER 124

An act to add Sections 10665 and 10842 to the Fish and Game Code, relating to fish and game.

[Approved by Governor May 13, 1968. Filed with Secretary of State May 13, 1968.]

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

SECTION 1. Section 10665 is added to the Fish and Game Code, to read:

10665. Notwithstanding any provision of law to the contrary, in the Johnsville Game Refuge it shall be unlawful for any person to discharge a firearm or other device capable of

killing or injuring any animal. However, it shall not be unlawful for the lawful occupants of privately owned lands or the employees of such occupants to possess firearms or other devices capable of killing or injuring an animal without a permit.

Birds and animals lawfully taken and possessed outside of the boundaries of the Johnsville Game Refuge may be possessed within the refuge.

SEC. 2. Section 10842 is added to the Fish and Game Code, to read:

10842. The following constitutes Fish and Game District 1K, the Johnsville Game Refuge: All that area within the County of Plumas within the following boundaries:

Beginning at the North ¼ corner of Section 24, T. 22 N., R. 11 E., M. D. M.; thence North 89° 39′ 25″ East 334.93 feet; thence South 0° 08′ 47″ East 418.08 feet; thence South 89° 48′ 44″ West 167.37 feet; thence South 0° 09′ 33″ East 668.15 feet; thence South 89° 59′ 48″ West 496.21 feet; thence South 0° 09′ 15″ East 83.34 feet; thence South 89° 58′ 24″ West 164.51 feet; thence South 0° 08′ 41″ East 83.31 feet; thence South 89° 59′ 14″ West 82.26 feet; thence South 0° 08′ 24″ East 83.29 feet; thence North 89° 59′ 55″ West 82.26 feet; thence South 0° 03′ 55″ East 83.09 feet; thence North 89° 51′ 34″ West 82.43 feet; thence South 0° 03′ 58″ East 83.05 feet; thence North 89° 50′ 14″ West 82.42 feet; thence South 0° 03′ 30″ East 331.95 feet; thence North 89° 46′ 07″ West 329.53 feet; thence North 0° 03′ 37″ West 331.59 feet; thence South 89° 49′ 39″ East 164.68 feet; thence North 0° 04′ 08″ West 165.91 feet; thence North 0° 04′ 47″ West 498.64 feet; thence South 89° 57′ 00″ West 164.57 feet; thence North 0° 04′ 11″ West 184.90 feet; thence North 69° 21′ 49″ East 175.25 feet; thence North 0° 05′ 22″ West 584.25 feet; thence North 89° 43′ 00″ East 985.90 feet to the point of beginning.

CHAPTER 125

An act to amend Section 10204 of the Streets and Highways Code, relating to the Municipal Improvement Act of 1913.

[Approved by Governor May 13, 1968. Filed with Secretary of State May 13, 1968.]

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

SECTION 1. 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 10201, 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.

CHAPTER 126

An act to amend Section 32512 of, and to add Section 38734 to the Agricultural Code, relating to milk products.

[Approved by Governor May 13, 1968. Filed with Secretary of State May 13, 1968.]

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

SECTION 1. Section 38734 is added to the Agricultural Code, to read:

38734. Nonfat liquid yogurt drink is nonfat milk from market milk, with or without added market milk solids, flavoring, or seasoning, which has been pasteurized and afterwards fermented by one or more strains of Lactobacillus bulgaricus (including yogurt strains) and Streptococcus thermophilus. The product shall contain a maximum of 0.25 percent milk fat. It may contain harmless edible stabilizers not to exceed 0.6 percent. It shall be free of molds, yeasts, and other fungi, as

well as coliform, which may impair the quality of the product. It may be labeled "Grade A."

SEC. 2. Section 32512 of the Agricultural Code is amended to read:

32512. "Milk product" includes milk, cream, sour cream, half-and-half, ice cream, ice milk, butter, cheese, milk fat or butterfat, skim milk or nonfat milk, evaporated milk, evaporated cream, sterilized flavored drink, sterilized flavored milk, sterilized cream, sterilized milk, nonfat dry milk, dried milk, milk drink mix, milk drink, buttermilk, cultured buttermilk, modified milk, concentrated milk, concentrated skim milk, sour cream dressing, yogurt, whipped cream or cream topping, eggnog, ice cream mix, ice milk mix, nonfat liquid yogurt drink, dietetic or low fat yogurt, low fat milk, evaporated or condensed skim milk, sweetened condensed milk, renovated butter, whipped cream mix or cream topping mix, fruit yogurt, sterilized flavored cream, dried whey, sherbet, yogurt sherbet, flavored milk and flavored dairy drink, quiescently frozen confections, and any other product which is prepared or manufactured from milk or cream for which a standard of composition is established by or pursuant to this division.

CHAPTER 127

An act to add Section 39562.1 to the Government Code, relating to weed abatement.

[Approved by Governor May 16, 1968. Filed with Secretary of State May 16, 1968.]

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

SECTION 1. Section 39562.1 is added to the Government Code, to read:

39562.1. At the time it adopts the resolution as provided for by Sections 39561 and 39562, the legislative body may also find and declare that weeds on specified parcels of property are seasonal and recurrent nuisances.

Such seasonal and recurrent nuisances shall be abated in accordance with the provisions of this article, provided, that upon the second and any subsequent occurrence of such nuisance on the same parcel or parcels within the same calendar year, no further hearings need be held and it shall be sufficient to mail a post card notice to the owners of the property as they and their addresses appear upon the current assessment roll.

The notice shall refer to and describe the property and shall state that noxious or dangerous weeds of a seasonal and recurrent nature are growing on or in front of the property, and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, and

that otherwise they will be removed and the nuisance will be abated by the city authorities, in which case the cost of such removal shall be assessed upon the parcel and lands from which or in front of which such weeds are removed and that upon confirmation such cost will constitute a lien upon such parcel or lands until paid.

CHAPTER 128

An act to add Sections 20607 and 20608 to the Education Code, relating to the school district budget.

[Approved by Governor May 16, 1968. Filed with Secretary of State May 16, 1968.]

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

SECTION 1. Section 20607 is added to the Education Code, to read:

20607. (a) On or before the first day in July in each year, each school district shall file a tentative budget with the county superintendent of schools.

(b) On or before July 15 in each year, the county superintendent of schools shall examine and may make technical corrections to the tentative budget, and indicate changes he deems desirable or necessary to determine the tax requirement.

(c) On or before July 20 in each year, the governing board shall make such changes in the tentative budget as it deems necessary or desirable and return the budget to the county superintendent of schools. Such budget shall constitute the publication budget for the period to which it is intended to apply. A copy of this publication school budget shall be sent to the county auditor in such form.

(d) On or before the eighth day of August, or on or before the 10th day of August in the case of a school district in which there is an average daily attendance of more than 10,000, the governing board of each school district in which a public hearing is required in Section 20504 of this code shall finally adopt and file such budget with the county superintendent of schools, the county auditor, the county board of supervisors, and the Superintendent of Public Instruction. In the case of districts which are not required to hold a public hearing, the publication budget as approved by the governing board shall be filed with the county superintendent of schools, the county auditor, the county board of supervisors, and the Superintendent of Public Instruction immediately after its approval.

(e) On or before the 15th day of August, the county superintendent shall approve the adopted budget for each school district as officially adopted and submitted by its governing board, and shall file one copy of the adopted budget of each school district with the board of supervisors, one copy with the

auditor of his county, and one copy with the Superintendent of Public Instruction, together with a statement showing the amount of school district taxes required by each school district of the county.

SEC. 2. Section 20608 is added to the Education Code, to read:

20608. If the governing board of any school district neglects or refuses to make a school district budget as prescribed by this article, the county superintendent of schools shall not make any apportionment of state or county school money for the particular school district for the current school year.

SEC. 3. This act shall become operative on November 1, 1968.

CHAPTER 129

An act to amend Section 3960 of the Agricultural Code, relating to district agricultural association officers.

[Approved by Governor May 16, 1968. Filed with Secretary of State May 16, 1968.]

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

SECTION 1. Section 3960 of the Agricultural Code is amended to read:

3960. The term of office of each director, except that of a member of the first board, is four years from the beginning of the term for which he is appointed. Any vacancy shall be filled for the unexpired term Any director who misses more than three consecutive regularly called meetings may be removed by a vote of the board, unless his failure to attend is caused by illness or temporary absence on the date of the meeting from the area included in the district.

CHAPTER 130

An act to amend Section 54916 of the Government Code, relating to California water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 16, 1968. Filed with Secretary of State May 16, 1968.]

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

SECTION 1. Section 54916 of the Government Code is amended to read:

54916. Notwithstanding the provisions of Sections 54902 and 54903 of this code, any creation of a California water

district organized pursuant to the California Water District Law (Division 13 (commencing with Section 34000) of the Water Code), which was completed prior to the effective date of the amendment of this section at the 1968 Regular Session of the Legislature, shall be effective for assessment and taxation purposes if the statement and map or plat required by Section 54900 of this code and the resolution required by Section 37203 of the Water Code is filed by the district on or before February 29, 1968.

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:

Unless this act takes effect immediately, the board of directors of a newly formed California water district that filed the statement and map required by Section 54900 of the Government Code and the resolution required by Section 37203 of the Water Code before February 29, 1968, will be unable to levy assessments in the fiscal year 1968–69 to raise funds necessary to carry out its public purpose of supplying water to the lands and inhabitants within the district.

CHAPTER 131

An act to repeal Section 26625 of the Government Code, relating to civil defense and disaster.

[Approved by Governor May 16, 1968. Filed with Secretary of State May 16, 1968.]

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

SECTION 1. Section 26625 of the Government Code is repealed.

CHAPTER 132

An act to amend Sections 411 and 412 of the Code of Civil Procedure, and to add Section 24007 to the Corporations Code, relating to unincorporated associations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 16, 1968. Filed with Secretary of State May 16, 1968.]

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

SECTION 1. Section 411 of the Code of Civil Procedure is amended to read:

411. The summons must be served by delivering a copy thereof as follows:

1. If the suit is against a domestic corporation: to the president or other head of the corporation, a vice president, a

secretary, an assistant secretary, general manager, or a person designated for service of process or authorized to receive service of process. If such corporation is a bank, to any of the foregoing officers or agents thereof, or to a cashier or an assistant cashier thereof. If no such officer or agent of the corporation can be found within the state after diligent search, then to the Secretary of State as provided in Sections 3301 to 3304, inclusive, of the Corporations Code, unless the corporation be of a class expressly excepted from the operation of those sections.

2. If the suit is against a foreign corporation, or a nonresident joint stock company or association, doing business in this state: in the manner provided by Sections 6500 to 6504, inclusive, of the Corporations Code.

2.1. If the suit is against an unincorporated association (not including a foreign partnership covered by Section 15700 of the Corporations Code):

(a) If the association is a general or limited partnership that has designated an agent for service of process as provided in Section 24003 of the Corporations Code, to the person so designated or to a general partner or the general manager of the partnership.

(b) If the association is not a general or limited partnership and the association has designated an agent for service of process as provided in Section 24003 of the Corporations Code, to the person so designated or to the president or other head of the association, a vice president, secretary, or general manager thereof.

(c) If no person has been designated as agent for service of process as provided in Section 24003 of the Corporations Code, or if the person so designated cannot be found at his address as specified in the index referred to in Section 24004 of the Corporations Code, to any one or more of the association's members and by mailing a copy thereof to the association at its last known mailing address.

2.2. If the suit is against a foreign partnership covered by Section 15700 of the Corporations Code: in the manner provided by Section 15700 of the Corporations Code.

3. If the suit is against a minor, under the age of 14 years, residing within this state: to such minor, personally, and also to his father, mother, or guardian; or if there be none within this state, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed.

4. If the suit is against a person residing within this state and for whom a guardian or conservator has been appointed: to such person, and also to his guardian or conservator.

5. Except as otherwise specifically provided by statute, in an action or proceeding against a local or state public agency, to the clerk, secretary, president, presiding officer or other head thereof or of the governing body of such public agency. "Public agency" includes (1) every city, county, and city and county; (2) every public agency, authority, board, bureau,

commission, corporation, district and every other political subdivision; and (3) every department and division of the state.

6. In all cases where a corporation has forfeited its charter or right to do business in this state, or has dissolved, by delivering a copy thereof to one of the persons who have become the trustees of the corporation and of its stockholders or members; or, in a proper case, as provided in Sections 3305 and 3306 of the Corporations Code.

7. If the suit is one brought against a candidate for public office and arises out of or in connection with any matter concerning his candidacy or the election laws and said candidate cannot be found within the state after diligent search, then as provided for in Section 54 of the Elections Code.

8. In all other cases to the defendant personally.

SEC. 2. Section 411 of the Code of Civil Procedure is amended to read:

411. The summons must be served by delivering a copy thereof as follows:

1. If the suit is against a domestic corporation: to the president or other head of the corporation, a vice president, a secretary, an assistant secretary, general manager, or a person designated for service of process or authorized to receive service of process. If such corporation is a bank, to any of the foregoing officers or agents thereof, or to a cashier or an assistant cashier thereof. If no such officer or agent of the corporation can be found within the state after diligent search, then to the Secretary of State as provided in Sections 3301 to 3304, inclusive, of the Corporations Code, unless the corporation be of a class expressly excepted from the operation of those sections.

2. If the suit is against a foreign corporation, or a nonresident joint stock company or association, doing business in this state: in the manner provided by Sections 6500 to 6504, inclusive, of the Corporations Code.

2.1. If the suit is against an unincorporated association (not including a foreign partnership covered by Section 15700 of the Corporations Code):

(a) If the association is a general or limited partnership that has designated an agent for service of process as provided in Section 24003 of the Corporations Code, to the person so designated or to a general partner or the general manager of the partnership.

(b) If the association is not a general or limited partnership and the association has designated an agent for service of process as provided in Section 24003 of the Corporations Code, to the person so designated or to the president or other head of the association, a vice president, secretary, or general manager thereof.

(c) If no person has been designated as agent for service of process as provided in Section 24003 of the Corporations Code or if the person so designated cannot be found at his

address as specified in the index referred to in Section 24004 of the Corporations Code, and if no person listed in subdivision (a) or (b), as the case may be, can be found within the state after diligent search, in the manner provided by Section 24007 of the Corporations Code.

2.2. If the suit is against a foreign partnership covered by Section 15700 of the Corporations Code: in the manner provided by Section 15700 of the Corporations Code.

3. If the suit is against a minor, under the age of 14 years, residing within this state: to such minor, personally, and also to his father, mother, or guardian; or if there be none within this state, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed.

4. If the suit is against a person residing within this state and for whom a guardian or conservator has been appointed: to such person, and also to his guardian or conservator.

5. Except as otherwise specifically provided by statute, in an action or proceeding against a local or state public agency, to the clerk, secretary, president, presiding officer or other head thereof or of the governing body of such public agency. "Public agency" includes (1) every city, county, and city and county; (2) every public agency, authority, board, bureau, commission, corporation, district and every other political subdivision; and (3) every department and division of the state.

6. In all cases where a corporation has forfeited its charter or right to do business in this state, or has dissolved, by delivering a copy thereof to one of the persons who have become the trustees of the corporation and of its stockholders or members; or, in a proper case, as provided in Sections 3305 and 3306 of the Corporations Code.

7. If the suit is one brought against a candidate for public office and arises out of or in connection with any matter concerning his candidacy or the election laws and said candidate cannot be found within the state after diligent search, then as provided for in Section 54 of the Elections Code.

8. In all other cases to the defendant personally.

SEC. 3. Section 412 of the Code of Civil Procedure is amended to read:

412. Where the person on whom service is to be made resides out of the state; or has departed from the state; or cannot, after due diligence, be found within the state; or conceals himself to avoid the service of summons; or is a corporation or unincorporated association having no officer or other person upon whom summons may be served, who, after due diligence, can be found within the state, and the fact appears by affidavit to the satisfaction of the court, or a judge thereof; and it also appears by such affidavit, or by the verified complaint on file, that a cause of action exists against the defendant in respect to whom the service is to be made, or that he is a necessary or proper party to the action; or when it appears by such

affidavit, or by the complaint on file, that it is an action which relates to or the subject of which is real or personal property in this state, in which such person defendant or corporation defendant or unincorporated association defendant has or claims a lien or interest, actual or contingent, therein, or in which the relief demanded consists wholly or in part in excluding such person or corporation or unincorporated association from any interest therein, such court or judge may make an order that the service be made by the publication of the summons.

SEC. 4. Section 24007 is added to the Corporations Code, to read:

24007. If designation of an agent for the purpose of service of process has not been made as provided in Section 24003, or if the agent designated cannot with due diligence be found at the address specified in the index referred to in Section 24004 for personal delivery of the process, and it is shown by affidavit to the satisfaction of a court or judge that personal service of process against an unincorporated association cannot be made with the exercise of due diligence upon an officer or agent referred to in subdivision 2.1 of Section 411 of the Code of Civil Procedure, the court or judge may make an order that service be made upon the unincorporated association by delivery of a copy of the process to any one or more of the association's members designated in the order and by mailing a copy of the process to the association at its last known address. Service in this manner constitutes personal service upon the unincorporated association.

SEC. 5. Section 1 of this act becomes operative on the effective date of this act. Sections 2, 3, and 4 of this act become operative on the 61st day after adjournment of the 1968 Regular Session of the Legislature.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In 1967, subdivision 2.1 was added to Section 411 of the Code of Civil Procedure to prescribe the manner of service of process on unincorporated associations. As added, the subdivision requires that, if an agent for service of process has been designated by the association, service may be made only upon the agent designated. Hence, if an agent has been designated, service upon the association is not effected by serving the president, vice president, secretary, general manager, or general partner of the association. As the purpose of the change made in 1967 was only to preclude service on a mere member of the association, if an agent had been designated, there was no need to preclude service upon a responsible officer even though an agent had been designated. The effect of this feature of the change has been to require plaintiffs to ascertain

whether an agent has been designated in every case, including those in which the plaintiff is well aware of the identity of the responsible officers. This change in longstanding practice (e.g., effecting service on a partnership by serving a general partner) may also cause some plaintiffs inadvertently to fail to perfect service. To overcome these problems by permitting service to be made upon a responsible officer, as well as the designated agent, it is necessary that this act take effect immediately.

CHAPTER 133

An act to amend Section 1255a of the Code of Civil Procedure, relating to eminent domain.

[Approved by Governor May 16, 1968 Filed with Secretary of State May 16, 1968]

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

SECTION 1. Section 1255a of the Code of Civil Procedure is amended to read:

1255a. (a) The plaintiff may abandon the proceeding at any time after the filing of the complaint and before the expiration of 30 days after final judgment, by serving on defendants and filing in court a written notice of such abandonment. Failure to comply with Section 1251 of this code shall constitute an implied abandonment of the proceeding.

(b) The court may, upon motion made within 30 days after such abandonment, set aside the abandonment if it determines that the position of the moving party has been substantially changed to his detriment in justifiable reliance upon the proceeding and such party cannot be restored to substantially the same position as if the proceeding had not been commenced.

(c) Upon the denial of a motion to set aside such abandonment or, if no such motion is filed, upon the expiration of the time for filing such a motion, on motion of any party, a judgment shall be entered dismissing the proceeding and awarding the defendants their recoverable costs and disbursements. Recoverable costs and disbursements include (1) all expenses reasonably and necessarily incurred in preparing for the condemnation trial, during the trial, and in any subsequent judicial proceedings in the condemnation action and (2) reasonable attorney fees, appraisal fees, and fees for the services of other experts where such fees were reasonably and necessarily incurred to protect the defendant's interests in preparing for the condemnation trial, during the trial, and in any subsequent judicial proceedings in the condemnation action, whether such fees were incurred for services rendered before or after the filing of the complaint. In case of a partial abandonment, recoverable costs and disbursements shall include only those recoverable costs and disbursements, or portions thereof, which

would not have been incurred had the property or property interest sought to be taken after the partial abandonment been the property or property interest originally sought to be taken. Recoverable costs and disbursements, including expenses and fees, may be claimed in and by a cost bill, to be prepared, served, filed, and taxed as in civil actions. Upon judgment of dismissal on motion of the plaintiff, the cost bill shall be filed within 30 days after notice of entry of such judgment.

(d) If, after the plaintiff takes possession of or the defendant moves from the property sought to be condemned in compliance with an order of possession, the plaintiff abandons the proceeding as to such property or a portion thereof or it is determined that the plaintiff does not have authority to take such property or a portion thereof by eminent domain, the court shall order the plaintiff to deliver possession of such property or such portion thereof to the parties entitled to the possession thereof and shall make such provision as shall be just for the payment of damages arising out of the plaintiff's taking and use of the property and damages for any loss or impairment of value suffered by the land and improvements after the time the plaintiff took possession of or the defendant moved from the property sought to be condemned in compliance with an order of possession, whichever is the earlier.

CHAPTER 134

An act to amend Sections 901 and 945.6 of the Government Code, relating to liability of public entities.

[Approved by Governor May 16, 1968 Filed with Secretary of State May 16, 1968.]

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

SECTION 1. Section 901 of the Government Code is amended to read:

901. For the purpose of computing the time limits prescribed by Sections 911.2, 911.4, 912, and 945.6, the date of the accrual of a cause of action to which a claim relates is the date upon which the cause of action would be deemed to have accrued within the meaning of the statute of limitations which would be applicable thereto if there were no requirement that a claim be presented to and be acted upon by the public entity before an action could be commenced thereon.

SEC. 2. Section 945.6 of the Government Code is amended to read:

945.6. (a) Except as provided in Sections 946.4 and 946.6 and subject to subdivision (b) of this section, any suit brought against a public entity on a cause of action for which a claim is required to be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with

Section 910) of Part 3 of this division must be commenced (1) within six months after the date the claim is acted upon by the board, or is deemed to have been rejected by the board, in accordance with Chapters 1 and 2 of Part 3 of this division, or (2) within one year from the accrual of the cause of action, whichever period expires later.

(b) When a person is unable to commence a suit on a cause of action described in subdivision (a) within the time prescribed in that subdivision because he has been sentenced to imprisonment in a state prison, the time limited for the commencement of such suit is extended to six months after the date that the civil right to commence such action is restored to such person, except that the time shall not be extended if the public entity establishes that the plaintiff failed to make a reasonable effort to commence the suit, or to obtain a restoration of his civil right to do so, before the expiration of the time prescribed in subdivision (a).

(c) A person sentenced to imprisonment in a state prison may not commence a suit on a cause of action described in subdivision (a) unless he presented a claim in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division.

CHAPTER 135

An act to add Section 392 to the Insurance Code, relating to insurance policies.

[Approved by Governor May 16, 1968. Filed with Secretary of State May 16, 1968.]

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

SECTION 1. Section 392 is added to the Insurance Code, to read:

392. Any exception from the risk generally covered by a policy of insurance which insures property for the period of time when such property is under the dominion and control of a party other than the insured for the purpose of storage or for the purpose of transferring such property to another location shall be printed in at least eight-point blackface type.

CHAPTER 136

An act to add Sections 10664, 10904, 10905, and 10906 to the Fish and Game Code, relating to refuges.

[Approved by Governor May 16, 1968. Filed with Secretary of State May 16, 1968.]

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

SECTION 1. Section 10664 is added to the Fish and Game Code, to read:

10664. In the Laguna Beach, Newport Beach and South Laguna Beach Marine Life Refuges, the following fish, mollusks and crustaceans may be taken under the authority of a sport fishing license as authorized by this code: abalone, lobster, bonita, rockfish (Sebastodes), mackerel, perch, kelp bass, sand bass, spotted bass, corbina, croaker and halibut. All other fish and forms of aquatic life are protected and may not be taken without a written permit from the department.

SEC. 2. Section 10904 is added to the Fish and Game Code, to read:

10904. The following constitutes a marine life refuge and shall be designated as the Laguna Beach Marine Life Refuge:

That portion of District 19 consisting of that certain parcel of land bounded by a line commencing at the Mean High Tide of the Pacific Ocean lying on the boundary of the City of Laguna Beach and running for a distance of 600 feet into the Pacific Ocean along such boundary, and thence generally eastward for a distance of 5,725 feet, and thence generally northward for a distance of 700 feet, and thence generally westward along the line of Mean High Tide to the point of beginning.

SEC. 3. Section 10905 is added to the Fish and Game Code, to read:

10905. The following constitutes a marine life refuge and shall be designated as the Newport Beach Marine Life Refuge:

That portion of District 19 consisting of that certain parcel of land bounded by the line of Mean High Tide of the Pacific Ocean between the eastern boundary of the City of Newport Beach and Poppy Avenue in the City of Newport Beach, and extending into and including the state waters of the State of California for a distance of two hundred feet into the Pacific Ocean from the line of Mean High Tide.

SEC. 4. Section 10906 is added to the Fish and Game Code, to read:

10906. The following constitutes a marine life refuge and shall be designated as the South Laguna Beach Marine Life Refuge:

That portion of District 19 consisting of land and ocean waters bounded by a line commencing at the intersection of the line of Mean High Tide of the Pacific Ocean and a line which bears South 48° 50′ 00″ West from the most Westerly point of

Lot 75 of Tract No. 702, as said Tract is shown on a map recorded in Book 21, pages 1 to 3, Miscellaneous Maps, on file in the Office of the County Recorder of Orange County; thence running South 48° 50′ 00″ West approximately 600 feet to the minus 20 foot (Mean Lower Low Water) contour; thence Southeasterly and generally parallel to the shore line 2700 feet more or less along the said minus 20 foot contour to a line which bears South 35° 57′ 06″ West from the Southerly terminus of that certain course in the Southeasterly boundary of said Tract No. 702 designated N 35° 57′ 06″ E. 284.25 feet; thence North 35° 57′ 06″ East to the line of Mean High Tide of the Pacific Ocean; thence Northwesterly along the line of Mean High Tide of the Pacific Ocean to the point of beginning.

CHAPTER 137

An act to add Chapter 10 (commencing with Section 660) to, and to repeal Chapter 10 (commencing with Section 660) and Chapter 11 (commencing with Section 670) of, Division 1 of the Insurance Code, relating to insurance.

[Approved by Governor May 16, 1968. Filed with Secretary of State May 16, 1968.]

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

SECTION 1. Chapter 10 (commencing with Section 660) of Division 1 of the Insurance Code is repealed.

SEC. 2. Chapter 10 (commencing with Section 660) is added to Division 1 of the Insurance Code, to read:

CHAPTER 10. CANCELLATION OR FAILURE TO RENEW

660. As used in this chapter:

(a) "Policy" means an automobile liability, automobile physical damage, or automobile collision policy, or any combination thereof, delivered or issued for delivery in this state, insuring a single individual or individuals residing in the same household, as named insured, and under which the insured vehicles therein designated are of the following types only:

(1) A motor vehicle of the private passenger or station wagon type that is not used as a public or livery conveyance for passengers, nor rented to others; or

(2) Any other four-wheel motor vehicle with a load capacity of 1,500 pounds or less which is not used in the occupation, profession, or business of the insured; provided, however, that this chapter shall not apply (i) to any policy issued under an automobile assigned risk plan, or (ii) to any policy insuring more than four automobiles, or (iii) to any policy covering garage, automobile sales agency, repair shop, service station, or public parking place operation hazards.

(b) "Automobile liability coverage" includes only coverage of bodily injury and property damage liability, medical payments, and uninsured motorists coverage.

(c) "Automobile physical damage coverage" includes all coverage of loss or damage to an automobile insured under the policy except loss or damage resulting from collision or upset.

(d) "Automobile collision coverage" includes all coverage of loss or damage to an automobile insured under the policy resulting from collision or upset.

(e) "Renewal" or "to renew" means the issuance and delivery by an insurer of a policy replacing at the end of the policy period a policy previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period or term; provided, however, that any policy with a policy period or term of six months or less whether or not made continuous for successive terms upon the payment of additional premiums shall for the purpose of this chapter be considered as if written for a policy period or term of six months. Provided, further, that any policy written for a term longer than one year or any policy with no fixed expiration date, shall for the purpose of this chapter, be considered as if written for successive policy periods or terms of one year. Such policies may be terminated at the expiration of their respective policy periods upon giving 20 days' notice of cancellation prior to such anniversary date, and such cancellation shall not be subject to any other provision of this chapter.

(f) "Nonpayment of premium" means failure of the named insured to discharge when due any of his obligations in connection with the payment of premiums on a policy, or any installment of such premium, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit.

661. (a) A notice of cancellation of a policy shall be effective only if it is based on one or more of the following reasons:

(1) Nonpayment of premium; or

(2) The driver's license or motor vehicle registration of the named insured or of any other operator who either resides in the same household or customarily operates an automobile insured under the policy has been under suspension or revocation during the policy period or, if the policy is a renewal, during its policy period or the 180 days immediately preceding its effective date.

(b) This section shall not apply to any policy or coverage which has been in effect less than 60 days at the time notice of cancellation is mailed or delivered by the insurer unless it is a renewal policy.

(c) Modification of automobile physical damage coverage by the inclusion of a deductible not exceeding one hundred

dollars ($100) shall not be deemed a cancellation of the coverage or of the policy.

(d) This section shall not apply to nonrenewal.

662. No notice of cancellation of a policy to which Section 661 applies shall be effective unless mailed or delivered by the insurer to the named insured at least 20 days prior to the effective date of cancellation; provided, however, that where cancellation is for nonpayment of premium, at least 10 days' notice of cancellation accompanied by the reason therefor shall be given. Unless the reason accompanies or is included in the notice of cancellation, the notice of cancellation shall state or be accompanied by a statement that upon written request of the named insured, mailed or delivered to the insurer not less than 15 days prior to the effective date of cancellation, the insurer will specify the reason for such cancellation.

This section shall not apply to nonrenewal.

663. No insurer shall fail to renew a policy unless it shall mail or deliver to the named insured, at the address shown in the policy, at least 20 days' advance notice of its intention not to renew. This section shall not apply:

(a) If the insurer has manifested its willingness to renew; nor

(b) In case of nonpayment of premium; provided that, notwithstanding the failure of an insurer to comply with this section, the policy shall terminate on the effective date of any other insurance policy with respect to any automobile designated in both policies.

(c) If the insured's agent or broker has secured other coverage acceptable to the insured at least 20 days prior to the anniversary date of the policy or termination of the policy period.

Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal.

664. Proof of mailing of notice of cancellation, or of intention not to renew or of reasons for cancellation, to the named insured at the address shown in the policy or to the named insured's latest known address, shall be sufficient proof of notice.

665. When a policy of automobile liability insurance is canceled, other than for nonpayment of premium, or in the event of failure to renew a policy of automobile liability insurance to which Section 663 applies, the insurer shall notify the named insured of his possible eligibility for automobile liability insurance through the automobile liability assigned risk plan. Such notice shall accompany or be included in the notice of cancellation or the notice of intent not to renew.

666. Where the reason for cancellation does not accompany or is not included in the notice of cancellation, the insurer shall upon written request of the named insured, mailed or delivered to the insurer not less than 15 days prior to the

effective date of cancellation, specify in writing the reason for such cancellation. Such reason shall be mailed or delivered to the named insured within five days after receipt of such request.

667. There shall be no liability on the part of, and no cause of action of any nature shall arise against, the Insurance Commissioner or against any insurer, its authorized representative, its agents, its employees, or any firm, person, or corporation furnishing to the insurer information as to reasons for cancellation, for any statement made by any of them in any written notice of cancellation, or in any other communication, oral or written, specifying the reasons for cancellation, or the providing of information pertaining thereto, or for statements made or evidence submitted at any hearings conducted in connection therewith.

SEC. 3. Chapter 11 (commencing with Section 670) of Division 1 of the Insurance Code is repealed.

SEC. 4. This act shall become operative January 1, 1969, and shall apply to policies written or renewed, or which have a renewal anniversary, thereafter. This act shall not apply to or affect the validity of any notice of cancellation mailed or delivered prior to the operative date of this act, nor shall this act be construed to affect cancellation of a renewal policy if notice of cancellation is mailed or delivered within 60 days after the operative date of this act, nor shall this act be construed to require notice of intent not to renew any policy which expires less than 30 days after the operative date of this act.

CHAPTER 138

An act to add Section 1756 to the Health and Safety Code, relating to emergency medical care committees.

[Approved by Governor May 16, 1968. Filed with Secretary of State May 16, 1968.]

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

SECTION 1. Section 1756 is added to the Health and Safety Code, to read:

1756. Every emergency medical care committee shall, at least annually, report to the Health Planning Council and the state department its observations and recommendations relative to its review of the ambulance services, emergency medical care, and first aid practices in that county.

CHAPTER 139

An act to add Section 1752 to the Health and Safety Code, relating to emergency medical care.

[Approved by Governor May 16, 1968 Filed with Secretary of State May 16, 1968]

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

SECTION 1. Section 1752 is added to the Health and Safety Code, to read:

1752. The county board of supervisors shall prescribe the membership, and appoint the members, of the emergency medical care committee. If two or more adjacent counties establish a single committee, the county boards of supervisors shall jointly prescribe the membership, and appoint the members, of the committee.

SEC. 2. The addition of Section 1752 to the Health and Safety Code made by the 1968 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

CHAPTER 140

An act to amend Section 3517 of the Fish and Game Code, relating to partridges.

[Approved by Governor May 16, 1968 Filed with Secretary of State May 16, 1968]

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

SECTION 1. Section 3517 of the Fish and Game Code is amended to read:

3517. Domestically reared redlegged partridges of the variety Indian chukar (Alectoris graeca chukar) may be released and taken for dog training and field trials pursuant to Section 3510 and on licensed pheasant clubs and licensed game bird clubs as authorized by the commission in the following described areas of the state:

Sacramento, San Joaquin, Salinas, Napa Valleys, Delta and San Francisco Bay Areas: Commencing at a point on the shoreline of the Pacific Ocean and the township line between T. 15 S. and T. 16 S. (MDBM), thence east on said township line to the 500 ft. contour east of Toro Creek; thence following contour around Salinas Valley to intersection with range line between R. 3. E. and R. 4 E., north of Salinas; thence north on said range line to township line between T. 12 S. and T. 13 S.; thence east on said township line to range line between R. 5 E. and R. 6 E.; thence north on said range line to township line between T. 10 S. and T. 11 S.; thence west

to range line between R. 1 E. and R. 2 E.; thence north on said range line to common boundary between Alameda and Santa Clara Counties; thence easterly along said boundary to common boundary between Alameda and Stanislaus Counties; thence northerly along said boundary to common boundary between San Joaquin and Stanislaus Counties; thence northerly and easterly along said boundary to the marked line of the San Joaquin Valley California Aqueduct; thence southerly along said Aqueduct to Highway 41; thence westerly along Highway 41 to its junction with Highway 33; thence southerly along Highway 33 to its junction with Highway 166; thence easterly along Highway 166 to its junction with Highway 99; thence southerly along Highway 99 to its junction with Weed Patch-Wheeler Ridge Road; thence northerly along Weed Patch-Wheeler Ridge Road to its junction with David Road; thence easterly along David Road to its junction with Rancho Road; thence northerly along Rancho Road to its junction with Herring Road; thence easterly along Herring Road to its junction with Tejon Highway; thence northerly along Tejon Highway to its junction with Bear Mountain Boulevard; thence easterly along Bear Mountain Boulevard to its junction with Highway 466; thence westerly along Highway 466 to its junction with Highway 65; thence northerly along Highway 65 to the Friant Kern Canal; thence northerly along said canal to the Madera canal; thence northerly along said canal to common boundary between Merced and Madera Counties; thence easterly along said boundary to common boundary between Merced and Mariposa Counties; thence northerly along said boundary between Merced and Mariposa Counties, Stanislaus and Tuolumne Counties, Stanislaus and Calaveras Counties, Calaveras and San Joaquin Counties, San Joaquin and Amador Counties, Amador and Sacramento Counties, Sacramento and El Dorado Counties, El Dorado and Placer Counties, to township line between T. 10 N. and T. 11 N.; thence west along said township line to range line between R. 6 E. and R. 7 E ; thence north along said range line to common boundary between Nevada and Placer Counties; thence westerly along said boundary to common boundary between Yuba and Nevada Counties; thence northerly along said boundary to State Highway 20; thence westerly along said highway through Smartville to range line between R. 5 E. and R. 6 E.; thence north along said range line to township line between T. 17 N. and T. 18 N.; thence west on said township line to La Porte Road; thence northerly on said road to the Oroville-Bangor Road; thence northwesterly on said road to Oroville; thence northwesterly along Oroville-Chico Highway to Highway 99E; thence northerly along said Highway to range line between R. 2 W. and R. 3 W.; thence north on said range line to township line between T. 31 N. and T. 32 N.; thence west on said township line to range line between R. 4 W. and R. 5 W.; thence south along said range line to township line between T. 12 N. and T. 13 N.;

thence west on said township line to range line between R. 6 W. and R. 7 W.; thence north on said range line to township line between T. 15 N. and T. 16 N.; thence west on said township line to range line between R. 10 W. and R. 11 W.; thence south on said range line to common boundary between Lake and Mendocino Counties; thence southeasterly on said boundary to common boundary between Mendocino and Sonoma Counties; thence westerly along said boundary to the Pacific Ocean shoreline; thence southerly along said shoreline to point of beginning.

Imperial Valley: Commencing at the Imperial Dam; thence southerly and westerly along the All American Canal to the Southern Pacific Railroad; thence northerly and westerly along the railroad to the Coachella Canal; thence northerly along the Coachella Canal to Highway 86; thence south and southeasterly along Highway 86 to the intersection with the West Side Main Canal; thence southerly along West Side Canal to the Mexico-U. S. border; thence easterly along said border to the common boundary between California and Arizona; thence northeasterly along said boundary to the point of beginning.

Southern California: Commencing at the town of Tecate on the Mexico-U. S. border; thence northwesterly along the connecting road from Tecate to Highway 94; thence westerly along Highway 94 to its intersection with Cottonwood Creek, near the town of Barrett; thence northerly along said creek to its intersection with the boundary of Cleveland National Forest; thence westerly and northerly along the western boundary of said forest to Highway 78; thence westerly along Highway 78 to the Rincon-Refugio Road; thence north on said road to the Cleveland National Forest boundary; thence westerly and northerly along said boundary to Highway 71; thence westerly along Highway 71 to Highway 395; thence northerly along Highway 395 to Highway 74; thence easterly along Highway 74 to Highway 79; thence northerly along Highway 79 to Highway 60; thence easterly along Highway 60 to Highway 62; thence northeasterly along Highway 62 to the Riverside-San Bernardino County line; thence northwesterly along said county line to its intersection with the San Bernardino National Forest boundary; thence northwesterly along said boundary to its intersection with the Angeles National Forest boundary; thence westerly along said boundary to the Tujunga Canyon Road; thence northeasterly along said road to the intersection of the Bear Canyon Road; thence northwesterly along the Bear Canyon Road to Highway 6; thence northeasterly along Highway 6 to its intersection with the Angeles National Forest boundary; thence westerly along said boundary to its intersection with the Los Padres National Forest boundary; thence westerly along said boundary to Highway 150; thence northwesterly along Highway 150 to Highway 101; thence northerly along Highway 101 to Zaca Canyon Cutoff Road; thence northerly along Zaca Canyon Road to Foxen Canyon

Road; thence westerly along Foxen Canyon Road to its intersection with the Sisquoc River; thence westerly along the Sisquoc River to the Santa Maria River; thence westerly along the Santa Maria River to its intersection with Highway 101; thence northerly along Highway 101 to the town of Pismo Beach; thence due west from the town of Pismo Beach to the Pacific Ocean shoreline; thence southerly along said shoreline to common boundary between the United States and Mexico; thence easterly along said boundary to the point of origin.

Antelope Valley, Los Angeles County: Commencing at the intersection of 270th Street West and Highway 138; thence north on 270th Street West to the Los Angeles-Kern County line; thence east on the Los Angeles-Kern County line to the common boundary between Los Angeles and San Bernardino Counties; thence south on the Los Angeles-San Bernardino County line to State Highway 138; thence northerly and westerly on said highway through Palmdale to Avenue L; thence west on said avenue to 100th Street West; thence north on said street to Avenue I and the intersection with Highway 138; thence westerly along Highway 138 to the point of beginning.

The season for taking shall be September 1 through March 31 in Zone A pheasant areas, and September 1 for nine consecutive months in Zone B pheasant areas, as such areas are designated in Section 3271. There shall be no daily or seasonal bag limit imposed by the state for the taking of such species.

The commission may adopt such regulations as it deems necessary to govern the release, taking and possession of chukars released on these areas.

SEC. 2. Section 3517 of the Fish and Game Code is amended to read:

3517. Domestically reared redlegged partridges of the variety Indian chukar (Alectoris graeca chukar) may be released and taken for dog training and field trials pursuant to Section 3510 and on licensed pheasant clubs and licensed game bird clubs as authorized by the commission in the following described areas of the state:

Sacramento, San Joaquin, Salinas, Napa Valleys, Delta and San Francisco Bay Areas: Commencing at a point on the shoreline of the Pacific Ocean and the township line between T. 15 S. and T. 16 S. (MDBM), thence east on said township line to the 500 ft. contour east of Toro Creek; thence following contour around Salinas Valley to intersection with range line between R. 3 E. and R. 4 E., north of Salinas; thence north on said range line to township line between T. 12 S. and T. 13 S.; thence east on said township line to range line between R. 5 E. and R. 6 E.; thence north on said range line to township line between T. 10 S. and T. 11 S.; thence west to range line between R. 1 E. and R. 2 E.; thence north on said range line to common boundary between Alameda and Santa Clara Counties; thence easterly along said boundary to

common boundary between Alameda and Stanislaus Counties; thence northerly along said boundary to common boundary between San Joaquin and Stanislaus Counties; thence northerly and easterly along said boundary to the marked line of the San Joaquin Valley California Aqueduct; thence southerly along said Aqueduct to Highway 41; thence westerly along Highway 41 to its junction with Highway 33; thence southerly along Highway 33 to its junction with Highway 166; thence easterly along Highway 166 to its junction with Highway 99; thence southerly along Highway 99 to its junction with Weed Patch-Wheeler Ridge Road; thence northerly along Weed Patch-Wheeler Ridge Road to its junction with David Road; thence easterly along David Road to its junction with Rancho Road; thence northerly along Rancho Road to its junction with Herring Road; thence easterly along Herring Road to its junction with Tejon Highway; thence northerly along Tejon Highway to its junction with Bear Mountain Boulevard; thence easterly along Bear Mountain Boulevard to its junction with Highway 466; thence westerly along Highway 466 to its junction with Highway 65; thence northerly along Highway 65 to the Friant Kern Canal; thence northerly along said canal to the Madera canal; thence northerly along said canal to common boundary between Merced and Madera Counties; thence easterly along said boundary to common boundary between Merced and Mariposa Counties; thence northerly along said boundary between Merced and Mariposa Counties, Stanislaus and Tuolumne Counties, Stanislaus and Calaveras Counties, Calaveras and San Joaquin Counties, San Joaquin and Amador Counties, Amador and Sacramento Counties, Sacramento and El Dorado Counties, El Dorado and Placer Counties, to township line between T. 10 N. and T. 11 N.; thence west along said township line to range line between R. 6 E. and R. 7 E ; thence north along said range line to common boundary between Nevada and Placer Counties; thence westerly along said boundary to common boundary between Yuba and Nevada Counties; thence northerly along said boundary to State Highway 20; thence westerly along said highway through Smartville to range line between R 5 E. and R. 6 E.; thence north along said range line to township line between T. 17 N. and T. 18 N.; thence west on said township line to La Porte Road; thence northerly on said road to the Oroville-Bangor Road; thence northwesterly on said road to Oroville; thence northwesterly along Oroville-Chico Highway to Highway 99E; thence northerly along said Highway to range line between R. 2 W. and R. 3 W.; thence north on said range line to township line between T. 31 N. and T. 32 N.; thence west on said township line to range line between R. 4 W. and R. 5 W.; thence south along said range line to township line between T. 12 N. and T. 13 N.; thence west on said township line to range line between R. 6 W. and R. 7 W.; thence north on said range line to township line between T. 15 N. and T. 16 N.; thence west on

said township line to range line between R. 10 W. and R. 11 W.; thence south on said range line to common boundary between Lake and Mendocino Counties; thence southeasterly on said boundary to common boundary between Mendocino and Sonoma Counties; thence westerly along said boundary to the Pacific Ocean shoreline; thence southerly along said shoreline to point of beginning. Notwithstanding any other provision of this section, such described area shall include all of the territory of Shasta County.

Imperial Valley: Commencing at the Imperial Dam; thence southerly and westerly along the All American Canal to the Southern Pacific Railroad; thence northerly and westerly along the railroad to the Coachella Canal; thence northerly along the Coachella Canal to Highway U. S. 99; thence south and southeasterly along Highway U. S. 99 to the intersection with the West Side Main Canal; thence southerly along West Side Canal to the Mexico-U. S. border; thence easterly along said border to the common boundary between California and Arizona; thence northeasterly along said boundary to the point of beginning.

Southern California: Commencing at the town of Tecate on the Mexico-U. S. border; thence northwesterly along the connecting road from Tecate to Highway 94; thence westerly along Highway 94 to its intersection with Cottonwood Creek, near the town of Barrett; thence northerly along said creek to its intersection with the boundary of Cleveland National Forest; thence westerly and northerly along the western boundary of said forest to Highway 78; thence westerly along Highway 78 to the Rincon-Refugio Road; thence north on said road to the Cleveland National Forest boundary; thence westerly and northerly along said boundary to Highway 71; thence westerly along Highway 71 to Highway 395; thence northerly along Highway 395 to Highway 74; thence easterly along Highway 74 to Highway 79; thence northerly along Highway 79 to Highway 60; thence easterly along Highway 60 to Highway 62; thence northeasterly along Highway 62 to the Riverside-San Bernardino County line; thence northwesterly along said county line to its intersection with the San Bernardino National Forest boundary; thence northwesterly along said boundary to its intersection with the Angeles National Forest boundary; thence westerly along said boundary to the Tujunga Canyon Road; thence northeasterly along said road to the intersection of the Bear Canyon Road; thence northwesterly along the Bear Canyon Road to Highway 6; thence northeasterly along Highway 6 to its intersection with the Angeles National Forest boundary; thence westerly along said boundary to its intersection with the Los Padres National Forest boundary; thence westerly along said boundary to Highway 150; thence northwesterly along Highway 150 to Highway 101; thence northerly along Highway 101 to Zaca Canyon Cutoff Road; thence northerly along Zaca Canyon Road to Foxen Canyon Road; thence westerly along Foxen Canyon

Road to its intersection with the Sisquoc River; thence westerly along the Sisquoc River to the Santa Maria River; thence westerly along the Santa Maria River to its intersection with Highway 101; thence northerly along Highway 101 to the town of Pismo Beach; thence due west from the town of Pismo Beach to the Pacific Ocean shoreline; thence southerly along said shoreline to common boundary between the United States and Mexico; thence easterly along said boundary to the point of origin.

Antelope Valley, Los Angeles County: Commencing at the intersection of 270th Street West and Highway 138; thence north on 270th Street West to the Los Angeles-Kern County line; thence east on the Los Angeles-Kern County line to the common boundary between Los Angeles and San Bernardino Counties; thence south on the Los Angeles-San Bernardino County line to State Highway 138; thence northerly and westerly on said highway through Palmdale to Avenue L; thence west on said avenue to 100th Street West; thence north on said street to Avenue I and the intersection with Highway 138; thence westerly along Highway 138 to the point of beginning.

The season for taking shall be September 1 through March 31 in Zone A pheasant areas, and September 1 for nine consecutive months in Zone B pheasant areas, as such areas are designated in Section 3271. There shall be no daily or seasonal bag limit imposed by the state for the taking of such species.

The commission may adopt such regulations as it deems necessary to govern the release, taking and possession of chukars released on these areas.

SEC. 3. Section 2 of this act shall become operative only if the amendment of Section 3517 of the Fish and Game Code as proposed by Senate Bill No. 390 is enacted by the Legislature at its 1968 Regular Session, and in such case at the same time as Senate Bill No. 390 takes effect; at which time Section 3517 of the Fish and Game Code as amended by Section 1 of this act is repealed.

CHAPTER 141

An act to add Section 12024.8 to the Business and Professions Code, relating to weights and measures, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 16, 1968 Filed with Secretary of State May 16, 1968.]

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

SECTION 1. Section 12024.8 is added to the Business and Professions Code, to read:

12024.8. The provisions of Section 12024.5 shall not apply to fish not used for human consumption.

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:

Under the present law, the manner in which fish not used for human consumption are packaged is misleading and confusing to buyers such as fisherman who are interested in the size and quality of such fish in the package. There is great need for this provision which would allow such goods to be packaged in a manner which safeguards and insures the interests and welfare of these buyers. It is therefore imperative that this act go into immediate effect.

CHAPTER 142

An act to add Section 54931.3 to the Government Code, relating to special districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 16, 1968. Filed with Secretary of State May 16, 1968.]

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

SECTION 1. Section 54931.3 is added to the Government Code, to read:

54931.3. Notwithstanding Section 54902 and 54903 of this code, any annexation by a public utility district or withdrawal of territory from a county water district shall be effective for assessment and taxation purposes for the 1968–1969 fiscal year if the statement and map or plat required by Section 54900 are filed with the assessor and the State Board of Equalization on or before February 27, 1968, and the certificate of completion required by Section 56454 is filed with the Secretary of State on or before February 27, 1968.

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:

Unless this act takes effect immediately, some public utility districts and county water districts that recently annexed or detached territory will not be able to levy taxes in accordance with their new boundaries for the 1968–1969 fiscal year.

CHAPTER 143

An act to amend Section 44733 of the Agricultural Code, relating to asparagus containers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 16, 1968 Filed with Secretary of State May 16, 1968]

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

SECTION 1. Section 44733 of the Agricultural Code is amended to read:

44733. The size designation requirements which are established by this article shall apply to all stalks of asparagus in each container, except that as a tolerance in the case of the jumbo, large, and standard sizes 10 percent, by count, of the stalks in any container may be smaller than the size designation which is specified. Individual containers in any lot may, however, contain not more than 1½ times the tolerance if the percentage of smaller asparagus of the entire lot averages within the tolerance.

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

The time for harvesting and packing fresh asparagus will soon be over for this year and the asparagus container requirements provided for by this act will not be effective in time to be applicable to this year's asparagus crop unless this act goes into immediate effect.

CHAPTER 144

An act to amend Section 25400 of the Vehicle Code, relating to motor vehicle lamps or devices.

[Approved by Governor May 17, 1968 Filed with Secretary of State May 17, 1968]

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

SECTION 1. Section 25400 of the Vehicle Code is amended to read:

25400. (a) Any vehicle may be equipped with a lamp or device on the exterior of the vehicle that emits a diffused nonglaring light of not more than 0.05 candela per square inch of area.

(b) Any diffused nonglaring light shall not display red to the front, but may display other colors. A diffused nonglaring light shall not resemble nor be installed within 12 inches or

in such position as to interfere with the visibility or effectiveness of any required lamp, reflector, or other device upon the vehicle.

(c) A diffused nonglaring lamp or device, other than a display sign authorized by subdivision (d), shall be limited in size to an area of 720 square inches and where any lease, rental, or donation is involved the installation of the lamp or device shall be limited to those vehicles operated either primarily within business or residential districts or municipalities, or between business districts, residential districts, and municipalities in close proximity.

(d) An internally illuminated sign emitting not more than 0.25 candela per square inch and possessing copy which does not contain a white background may be displayed on each side, but not on the front or rear, of a trolley coach or of a bus being operated in urban or suburban service as described in Section 35107 of this code.

CHAPTER 145

An act to amend Sections 19 and 20 of the Riverside County Flood Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945), relating to issuance of general obligation bonds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 17, 1968. Filed with Secretary of State May 17, 1968.]

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

SECTION 1. Section 19 of the Riverside County Flood Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945) is amended to read:

Sec. 19. (1) Whenever the board of supervisors of said district shall determine that a bonded indebtedness should be incurred to pay the cost of any work or improvement as herein authorized in any zone, the said board may by resolution, passed by unanimous vote of the entire board, determine and declare the respective amounts of bonds in order to raise the amount of money necessary for each work or improvement, and the denomination and rate of interest of said bonds, said board shall cause a copy of said resolution, duly certified by the county clerk to be filed for record in the office of the recorder of the County of Riverside within five days after its issuance. From and after said filing the said board shall be deemed vested with the authority to proceed with said bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the said board of supervisors may call a special election in said zone or zones at which shall be submitted to the qualified electors thereof the question,

whether or not bonds shall be issued in the amount or amounts determined in said resolution for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from the revenue derived from annual taxes or assessments levied upon the property taxable by said district situated within the zone or zones, and all such taxable property shall be and remain liable to be taxed for such payments as provided in this act.

(3) Said board of supervisors shall call such special election by ordinance and not otherwise, and shall submit to the qualified electors of said zone or zones the proposition of incurring a bonded debt in said zone or zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the resolution adopted by said board of supervisors, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on such indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall in no event exceed six percent (6%) per annum. For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts by consolidating the precincts established for general election precincts in said district to a number not exceeding six (6) for each such bond election precinct, and shall designate a polling place and appoint one inspector, one judge, and one clerk for each of such precincts.

In all particulars not recited in said ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board of supervisors shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in said zone or zones for six (6) consecutive times if published in a daily newspaper of general circulation printed and published in said zone or zones, or two (2) times if published in a weekly newspaper of general circulation printed and published in said zone or zones. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places in said

zone or zones for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds. If at such election two-thirds (⅔) of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district, zone or zones for the amounts stated in such proceedings shall be issued and sold as in this act provided.

SEC. 2. Section 20 of the Riverside County Flood Control and Water Conservation Act is amended to read:

Sec. 20. The board of supervisors shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the participating zones, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day or date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The payment of the first installment of principal may be deferred for a period of not more than five years from the date of each issue or series of bonds.

The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than five years from the date of issuance, for the earliest maturity of each issue or series of bonds. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series of bonds. The board may provide for call and redemption of all or any part of any issue or series of bonds before maturity at prices determined by the board. No bond shall be subject to call or redemption prior to maturity unless it contains a recital to that effect.

The bonds shall be issued in such denominations as the board may determine, and shall be payable on the dates and at the place fixed in such bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of six percent (6%) per annum, and shall be made payable annually or semiannually, except that interest for the first year may be payable at the end of that year. Such bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said district, and the seal of said district shall be affixed thereto. Either or both such signatures may be printed, engraved, or lithographed. The interest coupons of such bonds shall be numbered consecutively and signed by said auditor by his printed,

engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

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

Because of the increasing urbanization and industrialization of the lands within Riverside County Flood Control and Water Conservation District and the threat of damage, death and destruction from flood and storm waters, there is urgent need for financing and construction of storm and waste water facilities. To accomplish said objectives, it is necessary to modernize and liberalize the bonding and finance provisions of the act, to authorize practices consistent with practices of other like public agencies.

CHAPTER 146

An act to amend Section 5903 of the Vehicle Code, relating to payment of fees.

[Approved by Governor May 17, 1968. Filed with Secretary of State May 17, 1968.]

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

SECTION 1. Section 5903 of the Vehicle Code is amended to read:

5903. (a) Whenever any application for transfer is filed with the department between December 1st and February 4th, inclusive, the application for transfer shall be accompanied by the full annual renewal fees in addition to any other fees then due and payable.

(b) Whenever any application for registration is filed with the department between December 1st and December 31st, inclusive, the application shall be accompanied by the full annual renewal fees for the ensuing year in addition to any other fees then due and payable.

CHAPTER 147

An act to amend Section 5753 of the Vehicle Code, relating to transfer of vehicles.

[Approved by Governor May 17, 1968. Filed with Secretary of State May 17, 1968.]

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

SECTION 1. Section 5753 of the Vehicle Code is amended to read:

5753. It is unlawful for any person to fail or neglect properly to endorse, date, and deliver the certificate of ownership and, when having possession, to deliver the registration card to a transferee who is lawfully entitled to a transfer of registration. Except when the certificate of ownership is demanded in writing by a purchaser, a vehicle dealer licensed under this code shall satisfy the delivery requirement of this section by submitting appropriate documents and fees to the department for transfer of registration in accordance with Sections 5906 and 4456 of this code and rules and regulations promulgated thereunder.

CHAPTER 148

An act making an appropriation to the Emergency Fund in augmentation of Item 254, Budget Act of 1967.

[Approved by Governor May 17, 1968. Filed with Secretary of State May 17, 1968.]

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

SECTION 1. The sum of three million nine hundred eight thousand dollars ($3,908,000) is hereby appropriated for the Emergency Fund in augmentation of and upon the same terms and conditions as the appropriation made by Item 254, Budget Act of 1967.

SEC. 2. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect

CHAPTER 149

An act to amend Section 20750.2 of, to add Sections 20750.14, 20750.31, 20750.411, 20750.455 and 21251.75 to, and to repeal Section 20750.21 of, the Government Code, relating to the Public Employees' Retirement System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 17, 1968. Filed with Secretary of State May 17, 1968.]

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

SECTION 1. Section 20750.14 is added to the Government Code, to read:

20750.14. The contributions 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 provided by any and all other provisions of this chapter is increased by a sum equal to twenty-seven hundredths (0.27) of 1 percent of the compensation paid state miscellaneous members.

SEC. 2. 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 15.95 percent of the compensation paid state patrol members employed by such employer.

SEC. 2.5. Section 20750.24 of the Government Code is repealed.

SEC. 3. Section 20750.31 is added to the Government Code, to read:

20750.31. A public employer's contribution to the retirement fund in respect to forestry members provided by any and all other provisions of this chapter is increased by a sum equal to nineteen hundredths (0.19) of 1 percent of the compensation paid forestry members.

SEC. 4. Section 20750.411 is added to the Government Code to read:

20750.411. A public employer's contribution to the retirement fund in respect to warden members provided by any and all other provisions of this chapter is increased by a sum equal to eighty-three hundredths (0.83) of 1 percent of the compensation paid warden members.

SEC. 5. Section 20750.455 is added to the Government Code, to read:

20750.455. A public employer's contribution to the retirement fund in respect to law enforcement members provided by any and all other provisions of this chapter is increased by a sum equal to fifty-three hundredths (0.53) of 1 percent of the compensation paid law enforcement members.

SEC. 6. Section 21251.75 is added to the Government Code, to read:

21251.75. (a) Every retirement allowance exclusive of that portion purchased by the member's accumulated additional contributions payable for time commencing on the effective date of this section to or on account of any member who has retired on or prior to December 31, 1966, is hereby increased by a monthly amount which, when added to any other increases in such retirement allowance made by the Legislature at its 1968 Regular Session equals the percentage of the retirement allowance set forth in the following table opposite the period during which the member's retirement became effective.

Period during which retirement became effective	Percentage
On or before December 31, 1961	12%
Twelve months ended December 31, 1962	10%
Twelve months ended December 31, 1963	8%
Twelve months ended December 31, 1964	6%
Twelve months ended December 31, 1965	4%
Twelve months ended December 31, 1966	2%

Where a member to or on account of whom an increased retirement allowance is payable under this section has elected pursuant to Article 4 of Chapter 9 of this part to have his retirement allowance modified in accordance with an optional settlement provided in Section 21333, Section 21334, or Section 21335, if both the retired member and his beneficiary are living on the effective date of this section, the increase provided by this section shall be an amount equal to the percentage of the allowance being paid to the retired person, and upon death of the retired person, or upon death of his beneficiary if a different allowance is payable to the retired person because of such death, an equal percentage of the amount then payable to the survivor; and if either such retired person or his beneficiary is not living on said effective date, then the increase provided under this section shall be an amount equal to the percentage of the allowance being paid to the survivor.

(b) Every special death benefit, survivor allowance under Section 21365.5 of this part, or allowance under Section 21263 or 21264 of this part payable for time commencing on the effective date of this section on account of the death of any member who dies on or prior to December 31, 1966, is hereby increased by a monthly amount which, when added to any other increases in such death benefit or allowance made by the Legislature at its 1968 Regular Session, equals the percentages of increase set forth in the table in subdivision (a) above, opposite the period during which the member's death occurred or, in the case of an allowance under Section 21263 or 21264 opposite the period during which the member's retirement became effective.

(c) The increased allowance or death benefit payable under this section to a retired person or beneficiary whose allowance or death benefit was adjusted under Sections 20024.02 and 21251.65 of this code may not exceed an amount equal to the amount of his allowance prior to such adjustment increased by the percentage applicable to the retired person or beneficiary under this section. This section does not authorize any decrease in any allowance or special death benefit, nor does this section give any retired member, or his successors in interest, or his beneficiary, or any payee of any special death benefit or allowance in respect to a deceased member any claim against the state for any increase in any allowance or special death benefit paid or payable for time prior to its effective date.

(d) This section shall not apply to any contracting agency, other than a county superintendent of schools or school district, or a contracting agency subject to Section 20493 of this code, nor to allowances or special death benefits payable to or in respect to the retired or deceased employees of any contracting agency, unless and until the contracting agency elects to be subject to its provisions by amendment to its contract with the board, made as provided in Section 20461.5, except that an election among the employees is not required, or by express provision in its contract with the board.

Any increase in allowances provided by this section shall not take effect prior to the date the contract is amended to subject the contracting agency to the provisions of this section.

(e) The board shall compute the amount by which benefits paid pursuant to this section exceed the benefits which would otherwise be payable and shall charge any such excess against the contributions of the employer so that there shall be no increase in contributions of members by reason of benefits paid pursuant to this section.

SEC. 7. This act shall become operative on July 1, 1968.

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

In order to carry out the legislative determination that the benefits conferred by this act commence at the beginning of the fiscal year 1968–1969, and to permit the expenditure of funds appropriated for the purposes of the act, it is necessary that this act take effect immediately.

CHAPTER 150

An act to amend Sections 340 and 741 of, and to add Chapter 10 (commencing with Section 871.1) to Title 10 of Part 2 of, the Code of Civil Procedure, relating to real property.

[Approved by Governor May 17, 1968 Filed with Secretary of State May 17, 1968]

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

SECTION 1. Section 340 of the Code of Civil Procedure is amended to read:

340. Within one year:

1. An action upon a statute for a penalty or forfeiture, when the action is given to an individual, or to an individual and the state, except when the statute imposing it prescribes a different limitation;

2. An action upon a statute, or upon an undertaking in a criminal action, for a forfeiture or penalty to the people of this state;

3. An action for libel, slander, assault, battery, false imprisonment, seduction of a person below the age of legal consent, or for injury to or for the death of one caused by the wrongful act or neglect of another, or by a depositor against a bank for the payment of a forged or raised check, or a check that bears a forged or unauthorized endorsement, or against any person who boards or feeds an animal or fowl or who engages in the practice of veterinary medicine as defined in Business and Professions Code Section 4826, for such person's neglect resulting in injury or death to an animal or fowl in the course of boarding or feeding such animal or fowl or in the course of the practice of veterinary medicine on such animal or fowl;

4. An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process;

5. An action against an officer to recover damages for the seizure of any property for a statutory forfeiture to the state, or for the detention of, or injury to property so seized, or for damages done to any person in making any such seizure.

6. An action by a good faith improver for relief under Chapter 10 (commencing with Section 871.1) of Title 10 of Part 2 of the Code of Civil Procedure. The time begins to run from the date upon which the good faith improver discovers that he is not the owner of the land upon which the improvements have been made.

SEC. 2. Section 741 of the Code of Civil Procedure is amended to read:

741. (a) As used in this section, "good faith improver" has the meaning given that term by Section 871.1.

(b) When damages are claimed for withholding the property recovered, and improvements have been made on the property by a defendant or his predecessor in interest as a

good faith improver, the amount by which such improvements enhance the value of the land must be allowed as a setoff against such damages.

SEC. 3. Chapter 10 (commencing with Section 871.1) is added to Title 10 of Part 2 of the Code of Civil Procedure, to read:

CHAPTER 10. GOOD FAITH IMPROVER OF PROPERTY OWNED BY ANOTHER

871.1. As used in this chapter, "good faith improver" means:

(a) A person who makes an improvement to land in good faith and under the erroneous belief, because of a mistake of law or fact, that he is the owner of the land.

(b) A successor in interest of a person described in subdivision (a).

871.2. As used in this section, "person" includes an unincorporated association.

871.3. A good faith improver may bring an action in the superior court or, subject to Section 396, may file a cross-complaint or counterclaim in a pending action in the superior or municipal court for relief under this chapter. In every case, the burden is on the good faith improver to establish that he is entitled to relief under this chapter, and the degree of negligence of the good faith improver should be taken into account by the court in determining whether the improver acted in good faith and in determining the relief, if any, that is consistent with substantial justice to the parties under the circumstances of the particular case.

871.4. The court shall not grant relief under this chapter if the court determines that exercise of the good faith improver's right of setoff under Section 741 of the Code of Civil Procedure or right to remove the improvement under Section 1013.5 of the Civil Code would result in substantial justice to the parties under the circumstances of the particular case. In determining whether removal of the improvement would result in substantial justice to the parties under the circumstances of the particular case, the court shall take into consideration any plans the owner of the land may have for the use or development of the land upon which the improvement was made and his need for the land upon which the improvement was made in connection with the use or development of other property owned by him.

871.5. When an action, cross-complaint, or counterclaim is brought pursuant to Section 871.3, the court may, subject to Section 871.4, effect such an adjustment of the rights, equities, and interests of the good faith improver, the owner of the land, and other interested parties (including, but not limited to, lessees, lienholders, and encumbrancers) as is consistent with substantial justice to the parties under the circumstances of the particular case. The relief granted shall protect the owner of

the land upon which the improvement was constructed against any pecuniary loss but shall avoid, insofar as possible, enriching him unjustly at the expense of the good faith improver. In protecting the owner of the land against pecuniary loss, the court shall take into consideration the expenses the owner of the land has incurred in the action in which relief under this chapter is sought, including but not limited to reasonable attorney fees. In determining the appropriate form of relief under this section, the court shall take into consideration any plans the owner of the land may have for the use or development of the land upon which the improvement was made and his need for the land upon which the improvement was made in connection with the use or development of other property owned by him.

871.6. Nothing in this chapter affects the rules of law which determine the relief, if any, to be granted when a person constructs on his own land an improvement which encroaches on adjoining land.

871.7. (a) This chapter does not apply where the improver is a public entity or where the improvement is made to land owned or possessed by a public entity. As used in this section, "public entity" includes the United States, a state, county, city and county, city, district, public authority, public agency, or any other political subdivision or public corporation.

(b) This chapter does not apply where the owner of the land upon which the improvement is constructed has appropriated the land to a public use and could have acquired the land for that use by exercising the power of eminent domain.

SEC. 4. This act applies in any action commenced after its effective date, whether or not the improvement was constructed prior to its effective date. If any provision of this act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

CHAPTER 151

An act to amend Sections 18062, 25605, and 25855 of, and to add Sections 25608.1 and 25852.1 to, the Education Code, relating to transportation of deaf and blind students.

[Approved by Governor May 17, 1968. Filed with Secretary of State May 17, 1968.]

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

SECTION 1. Section 18062 of the Education Code is amended to read:

18062. In addition to all other amounts allowed to a school district under this article, the Superintendent of Public

Instruction shall allow to each school district for transporting minor pupils whose vision or hearing is impaired to a degree making it practical to transport them to the California School for the Blind or to the California School for the Deaf or to some location in another public school district where specialized instruction may be afforded, three hundred eighty-nine dollars ($389) for each unit of average daily attendance of such pupils during the fiscal year resulting from the attendance of such pupils on the classes of specialized instruction to and from which they are transported as day-class pupils.

For each school district furnishing transportation under circumstances requiring the operation of vehicles exclusively for that purpose, the Superintendent of Public Instruction shall allow 75 percent of any expense in excess of three hundred eighty-nine dollars ($389), but the additional allowance shall not exceed seventy-three dollars ($73), per unit of average daily attendance of such pupils. Such amount shall be allowed as a part of the second principal apportionment upon special request made therefor to, and upon approval by, the Superintendent of Public Instruction.

Allowances under this section shall be subject to the approval of the Superintendent of Public Instruction of the practicality of transporting the pupils involved in any particular instance to the place where specialized instruction is afforded.

SEC. 2. Section 25605 of the Education Code is amended to read:

25605. All money expended under the authority of any such certificate for clothing and transportation, necessary dental work, eye care, operations, and hospitalization, and all money expended by the State Department of Education for expenses incurred by it in providing dental work, eye care, operations, or hospitalization for the child in an emergency for which the State Department of Education cannot be reimbursed by the parent or guardian of the child as shown by the certificate, constitutes a legal charge against the county from which the certificate is issued. Expenditures for clothing and transportation shall not exceed the sum of three hundred dollars ($300) each school year.

SEC. 3. Section 25608.1 is added to the Education Code, to read:

25608.1. The governing board of each school district of residence shall, from the general fund of the school district, pay for the transportation cost of each pupil of the district in attendance at the California School for the Deaf as a day-class pupil.

For determining the school district responsible under the provisions of this section for making the payment when the pupils reside in other than a unified school district, pupils 15 years of age or older as of September 1 of each fiscal year shall be considered residents of the high school district, and pupils

14 years of age or under as of September 1 shall be considered residents of the elementary district.

SEC. 4. Section 25852.1 is added to the Education Code, to read:

25852.1. The governing board of each school district of residence shall, from the general fund of the school district, pay for the transportation cost of each pupil of the district in attendance at the California School for the Blind as a day-class pupil.

For determining the school district responsible under the provisions of this section for making the payment when the pupils reside in other than a unified school district, pupils 15 years of age or older as of September 1 of each fiscal year shall be considered residents of the high school district, and pupils 14 years of age or under as of September 1 shall be considered residents of the elementary district.

SEC. 5. Section 25855 of the Education Code is amended to read:

25855. All money expended under the authority of any such certificate for clothing and transportation, necessary dental work, eye care, operations and hospitalization, and all money expended by the Department of Education for expenses incurred by it in providing dental work, eye care, operations, or hospitalization for the child in an emergency for which the State Department of Education cannot be reimbursed by the parent or guardian of the child as shown by the certificate, constitute a legal charge against the county from which the certificate is issued. Expenditures for clothing and transportation shall not exceed the sum of three hundred dollars ($300) each school year.

CHAPTER 152

An act to amend Section 4004 of the Penal Code, relating to release of inmates in county jail.

[Approved by Governor May 17, 1968. Filed with Secretary of State May 17, 1968.]

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

SECTION 1. Section 4004 of the Penal Code is amended to read:

4004. A prisoner committed to the county jail for examination, or upon conviction for a public offense, must be actually confined in the jail until he is legally discharged; and if he is permitted to go at large out of the jail, except by virtue of a legal order or process, it is an escape; provided, however, that during the pendency of a criminal proceeding, the superior court or an inferior court, as the case may be, before which said proceeding is pending may make a legal order, good cause

appearing therefor, for the removal of the prisoner from the county jail in custody of the sheriff. In judicial districts where there is a marshal, the marshal shall maintain custody of such prisoner while he is in the municipal court facility pursuant to such court order The superior court of the county may make a legal order, good cause appearing therefor, for the removal of prisoners confined in the county jail, after conviction, in the custody of the sheriff.

CHAPTER 153

An act to amend Sections 938.5 and 1233 of the Education Code, relating to superintendent of schools.

[Approved by Governor May 17, 1968 Filed with Secretary of State May 17, 1968]

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

SECTION 1. Section 938.5 of the Education Code is amended to read:

938.5. (a) The members of the governing board of each unified school district may elect a superintendent of schools for a term of not more than four years, who shall be executive officer and secretary of said governing board. Where the entire area of a county is included within one unified school district or where the entire area of a county is included within one unified school district except for such portions of the county as are included in a school district which is under the jurisdiction of the county superintendent of schools of another county, the county superintendent of schools may be employed as the superintendent of schools of the unified school district; provided, he is the holder of a certification document authorizing him to perform such services. If a county superintendent of schools is employed as the superintendent of schools of a unified school district, he may be paid such salary, in addition to that provided by law for his office of county superintendent of schools, as he and the governing board of the unified school district may agree upon.

(b) Any county superintendent of schools who was employed as a district superintendent of a unified school district on or before September 20, 1963, may continue to perform such services without possessing the certification document otherwise required as long as he remains continuously employed or reemployed in his position.

(c) Where the entire area of a county is included within one unified school district except for such portions of the county as are included in a school district which is under the jurisdiction of the county superintendent of schools of another county, the person who was county superintendent of schools at the time the unified school district was formed may be

employed as the superintendent of schools of the unified school district without possessing the certification document otherwise required as long as he remains continuously employed or re-employed in his position.

SEC. 2. Section 1233 of the Education Code is amended to read:

1233. In each city school district governed by a city board of education, the board may employ a city superintendent of schools and such associate superintendents of schools, and deputy or assistant city superintendents of schools as it deems necessary, and may fix and order paid their compensation, unless otherwise prescribed by law. A city superintendent of schools may be elected for a term of not more than four years. Any associate, deputy, or assistant city superintendent of schools may be elected for a term of not more than four years.

CHAPTER 154

An act to amend Sections 11825 and 11826 of the Public Utilities Code, relating to municipal utility districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 17, 1968. Filed with Secretary of State May 17, 1968.]

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

SECTION 1. Section 11825 of the Public Utilities Code is amended to read:

11825. Upon the payment of a twenty-five-dollar ($25) filing fee into the treasury of the district and the filing of a sufficient nomination paper and affidavit by any candidate the name of the candidate shall go upon the ballot at the ensuing general election.

SEC. 2. Section 11826 of the Public Utilities Code is amended to read:

11826. The nomination paper shall contain the name of the candidate, with such other information as may be required herein, and shall be signed either by 1 percent of the voters within the district or by 100 voters whichever is the lesser number but in no event by more than 200 voters within the district.

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

The purpose of the act is to bring the election provisions of municipal utility districts in line with those of comparable public agencies. Because of existing statutory time requirements, unless this amendment is passed as an urgency statute, it would not be effective until the general election of 1970.

CHAPTER 155

An act to amend Sections 22034 and 22040 of the Agricultural Code, relating to licensed slaughterers.

[Approved by Governor May 20, 1968. Filed with Secretary of State May 20, 1968.]

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

SECTION 1. Section 22034 of the Agricultural Code is amended to read:

22034. The bureau, after notice and hearing before the director, shall refuse to issue a license to any applicant unless the chief finds that he is both:

(a) Qualified to operate pursuant to this division and Division 9 (commencing with Section 16301).

(b) Properly equipped to engage in the business of slaughtering in a clean and sanitary manner.

SEC. 2. Section 22040 of the Agricultural Code is amended to read:

22040. The director may, after notice and hearing, revoke a slaughterer's license for any violation of any provision of this division or Division 9 (commencing with Section 16301).

CHAPTER 156

An act to add Chapter 14.5 (commencing with Section 1640) to Division 4 of the Probate Code, relating to special guardianships.

[Approved by Governor May 20, 1968. Filed with Secretary of State May 20, 1968.]

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

SECTION 1. Chapter 14.5 (commencing with Section 1640) is added to Division 4 of the Probate Code, to read:

CHAPTER 14.5. SPECIAL GUARDIANS

1640. On and after the filing of a petition for the appointment of a guardian, the court, with or without notice as the court or judge may require, upon a verified petition establishing good cause therefor, and filed by any person entitled to apply for the appointment of a guardian, may appoint a special guardian of the estate of any person to serve pending the final determination of the court upon the petition for appointment of a guardian.

1641. Such special guardian shall be issued special letters of guardianship upon posting bond as in the case of a guardian.

1642. A special guardian shall have only such power and authority and only such duties as may be necessary to conserve and protect the property of the ward from loss or injury, and such other powers and duties as may be ordered by the court in the order of appointment, or by subsequent order made with or without notice as the court or judge may require.

1643. A special guardian of the estate of a ward may inventory the estate of the ward in his final account without the necessity for an appraisal thereof, provided that such final account is filed with the court within three months of the entry of the order of his appointment. In all other cases, an inventory and appraisal of the estate shall be filed as required by Chapter 9 (commencing with Section 1550) of this division.

1644. If the special guardian is appointed general guardian of the ward's estate he may account for his administration as special guardian in his first regular account. In all other cases, he must present his account to the court for settlement and allowance within 90 days from the appointment of a general guardian or within such time as the court or the judge may fix. Such accounts shall be subject to Sections 1553 through 1556.5.

1645. The appointment and qualification of a general guardian terminates the powers of the special guardian except for the rendering of his account, unless by reason of an appeal therefrom or other cause the court appointing the general guardian otherwise orders. If so ordered, the court shall fix the time for the termination of the powers of the special guardian.

1646. Special guardians shall be subject to the provisions of this division governing suspension, removal, resignation and discharge of guardians.

CHAPTER 157

An act to amend Section 26621 of the Health and Safety Code, relating to retail food establishments.

[Approved by Governor May 20, 1968. Filed with Secretary of State May 20, 1968.]

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

SECTION 1. Section 26621 of the Health and Safety Code is amended to read:

26621. "Local health department" as used in this article means the health department of a city, county, city and county, or local health district which qualifies for state assistance pursuant to Chapter 8 (commencing with Section 1100) of Part 2 of Division 1 and the health department of any city which has had its own health department for 12 years or more.

CHAPTER 158

An act to amend Section 715 of the Harbors and Navigation Code, relating to vessel ownership.

[Approved by Governor May 20, 1968 Filed with Secretary of State May 20, 1968]

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

SECTION 1. Section 715 of the Harbors and Navigation Code is amended to read:

715. Upon the death of an owner or legal owner of any vessel numbered under this code without the decedent leaving other property necessitating probate, the surviving husband or wife or other heir in the order named in Section 630 of the Probate Code, unless the vessel is by will otherwise bequeathed, and if the value of the vessel is three thousand dollars ($3,000) or less, may secure a transfer of ownership of the title or interest of the deceased upon presenting to the department the appropriate certificate of ownership and certificate of number, if available, and a certified statement of the person setting forth the fact of survivorship or heirship, and the names and addresses of any other heirs, and, if required by the department, a certificate of the death of the deceased, together with a statement that there are no creditors of the deceased or, if so, that the creditors of the deceased have been paid in full or the claims have been otherwise discharged.

CHAPTER 159

An act to add Sections 25365.5 and 61600.5 to the Government Code, relating to counties and community services districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 20, 1968 Filed with Secretary of State May 20, 1968.]

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

SECTION 1. Section 25365.5 is added to the Government Code, to read:

25365.5. The board of supervisors of a county, without complying with any other provision of this code, may at any time hereinafter donate, or transfer for such consideration as it determines, lands owned by the county, which the board of supervisors deems is not required for other purposes, to a community services district within the county, or to a trustee therefor, for the following purposes:

(1) To allow such district to sell, lease or otherwise dispose of, either privately or by public auction, for cash or subject

to such financing as it determines, said land or any portion thereof, and

(2) To utilize the net proceeds therefrom to repay a loan from any appropriate source to such district for the construction of streets, drainage, sewage and other public facilities within a townsite replacing an old townsite devastated by floods occurring in December 1964 or January 1965.

Any such donation or transfer to such district for less than the full market value of such land is hereby declared to be for a public purpose.

The county may give assurances to or enter into a written contract with the district or other agency respecting the donation or transfer for the purpose of facilitating the loan.

SEC. 2. Section 61600.5 is added to the Government Code, to read:

61600.5. Community services districts may acquire property from a county pursuant to Section 25365.5, borrow or otherwise accept funds from other agencies for the purpose of constructing the facilities referred to therein, and dispose of such property and utilize the proceeds therefrom as provided in Section 25365.5.

In addition, the district may enter into such agreement with the county or other agency as it deems necessary for the purpose of carrying out the provisions of this section.

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

The Economic Development Administration of the Department of Commerce has been requested to offer a loan and grant during the 1967–68 fiscal year to a community services district to allow it to achieve the construction of badly needed public improvements in a new townsite necessitated by the devastation of the old townsite, Klamath, Del Norte County, by floods commencing in December 1964. Said loan is to be repaid through the utilization of the proceeds obtained from the disposition of land which the county in which said district is located proposes to transfer to said district. In order for the district to avail itself of this opportunity and to alleviate the distress caused by said floods, it is necessary that this act go into effect immediately.

CHAPTER 160

An act to amend Sections 31569, 31569.1, and 31823 of, and to add Section 31569.5 to, the Streets and Highways Code, relating to the Vehicle Parking District Law of 1943.

[Approved by Governor May 20, 1968. Filed with Secretary of State May 20, 1968.]

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

SECTION 1. Section 31569 of the Streets and Highways Code is amended to read:

31569. The amount of the assessment levied to pay the cost of the acquisition and improvement ordered in the ordinance shall not exceed fifty percent (50%) of the assessed valuation of all land in the district subject to assessment, as shown by the last equalized county assessment roll at the date the assessment is confirmed.

SEC. 2. Section 31569.1 of the Streets and Highways Code is amended to read:

31569.1. A petition for the formation of a district may request that if the petition is signed by owners, as defined in Sections 31530, 31530.1 and 31537.3, owning lands of an assessed value of not less than sixty percent (60%) of the total assessed value of all assessable lands in the district, as defined in Sections 31530 and 31530.1, which lands also constitute more than one-half of the area of all assessable lands in the proposed district, then in lieu of the limit provided by Section 31569, the limit on the assessment shall be an amount not exceeding fifty percent (50%) of the assessed valuation of all land in the district subject to assessment and all improvements on such land, as shown by the last equalized county assessment roll at the date the assessment is confirmed. If the petition is signed as specified in this section, the requirements of Section 31530 shall not apply. If the petition contains such request and if the legislative body determines that such petition is signed as specified in such request, then the limit stated in this section shall be substituted for the limit stated in Section 31569. In the case of any district to which the limit stated in this section has become applicable, the limit referred to in Section 31863 shall likewise be fifty percent (50%) of the assessed valuation of all land in the district subject to assessment and all improvements on such land.

SEC. 2.5. Section 31569.5 is added to the Streets and Highways Code, to read:

31569.5. A petition for the formation of a district may request that if the petition is signed by owners, as defined in Sections 31530, 31530.1 and 31537.3, owning lands of an assessed value of not less than one hundred percent (100%) of the total assessed value of all assessable lands in the district, as defined in Sections 31530 and 31530.1, then in lieu of the limit provided by Section 31569, the limit on the assessment

shall be an amount not exceeding four hundred percent (400%) of the assessed valuation of all land in the district subject to assessment and all improvements on such land, as shown by the last equalized county assessment roll at the date the assessment is confirmed. If the petition is signed as specified in this section, the requirements of Section 31530 shall not apply. If the petition contains such request and if the legislative body determines that such petition is signed as specified in such request, then the limit stated in this section shall be substituted for the limit stated in Section 31569. In the case of any district to which the limit stated in this section has become applicable, the limit referred to in Section 31863 shall likewise be four hundred percent (400%) of the assessed valuation of all land in the district subject to assessment and all improvements on such land.

SEC. 3. Section 31823 of the Streets and Highways Code is amended to read:

31823. The tax levy for maintenance, operation, repair, and improvement of parking places in any year shall not exceed fifteen cents ($0.15) on each one hundred dollars ($100) assessed value of taxable land and improvements within the district. The tax levy for acquisition of additional parking places in any year shall not exceed twenty-five cents ($0.25) on each one hundred dollars ($100) assessed value of taxable land and improvements within the district.

CHAPTER 161

An act to amend Section 2261 of the Civil Code, relating to investments by trustees.

[Approved by Governor May 20, 1968. Filed with Secretary of State May 20, 1968.]

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.

(6) The term "property" as used in this section includes life insurance, endowment, and annuity contracts issued by legal reserve companies authorized to do business in this state.

CHAPTER 162

An act to amend Section 25210.4a of the Government Code, relating to ambulance service.

[Approved by Governor May 20, 1968. Filed with Secretary of State May 20, 1968.]

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

SECTION 1. Section 25210.4a of the Government Code is amended to read:

25210.4a. The term "miscellaneous extended services" as used in this chapter shall include, but shall not be limited to, the following:

(1) Water service including the acquisition, construction, operation, replacement, maintenance and repair of water supply and distribution systems, including land, easements and rights-of-way and water rights.

(2) Sewer service, including the acquisition, construction, operation, replacement, maintenance and repair of sewage collection, transportation and disposal systems, including land, easements and rights-of-way.

(3) Pest or rodent control.

(4) Street and highway sweeping.

(5) Street and highway lighting including the acquisition, construction, replacement, maintenance and repair of a street or highway lighting system, including land, easements and rights-of-way.

(6) Refuse collection.

(7) Garbage collection.

(8) Ambulance service.

CHAPTER 163

An act to add Section 10141.5 to the Business and Professions Code, relating to real property transactions.

[Approved by Governor May 20, 1968. Filed with Secretary of State May 20, 1968.]

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

SECTION 1. Section 10141.5 is added to the Business and Professions Code, to read:

10141.5. Within one week after the closing of a transaction negotiated by a real estate broker in which title to real property is conveyed from a seller to a purchaser and a deed of trust secured by real property is executed, such broker shall cause such deed of trust to be recorded with the county recorder of the county in which the real property is located, or cause it to be delivered to the beneficiary with a written rec-

ommendation that it be recorded forthwith, unless written instructions not to record are received from the beneficiary. If the transaction is closed through escrow and the deed of trust is delivered to the escrow holder within the time prescribed by this section, that shall be deemed compliance with this section on the part of the broker. Nothing in this section shall affect the validity of a transfer of title to real property.

CHAPTER 164

An act to amend Sections 36400 and 36402 of, and to add Sections 36402.1, 36402.2, and 36402.3 to, the Water Code, relating to California water districts.

[Approved by Governor May 20, 1968 Filed with Secretary of State May 20, 1968]

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

SECTION 1. Section 36400 of the Water Code is amended to read:

36400. A district may borrow money and incur indebtedness as provided in this chapter by action of the board and without the necessity of calling and holding an election in the district, except as otherwise provided in Section 36402.1.

SEC. 2. Section 36402 of the Water Code is amended to read:

36402. Indebtedness incurred under this chapter shall be evidenced by warrants of the district payable at stated times fixed by the board and bearing interest at a rate not exceeding 6 percent per annum, payable annually or semiannually.

SEC. 3. Section 36402.1 is added to the Water Code, to read:

36402.1. No warrants issued pursuant to this chapter made payable more than five years from the date of issuance shall be valid unless their issuance is authorized by a majority of the voters voting at an election called by the board for the purpose of determining whether or not the warrants shall be authorized.

SEC. 4. Section 36402.2 is added to the Water Code, to read:

36402.2. Notice of the election shall be given and the election shall be held and the result determined as nearly as practicable in the manner provided for bond elections.

SEC. 5. Section 36402.3 is added to the Water Code, to read:

36402.3. The proceeds of such warrants may, with the approval of the California Districts Securities Commission where required, be used and applied to the purchase or redemption of any outstanding warrants of the district.

CHAPTER 165

An act to repeal Chapter 3 (commencing with Section 19300), Chapter 4 (commencing with Section 19400), Chapter 5 (commencing with Section 19600), and Chapter 6 (commencing with Section 19700), of Part 3 of Division 13 of, and to amend Section 19825 of, the Health and Safety Code, relating to housing.

[Approved by Governor May 20, 1968. Filed with Secretary of State May 20, 1968.]

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

SECTION 1. Chapter 3 (commencing with Section 19300) of Part 3 of Division 13 of the Health and Safety Code is repealed.

SEC. 2. Chapter 4 (commencing with Section 19400) of Part 3 of Division 13 of the Health and Safety Code is repealed.

SEC. 3. Chapter 5 (commencing with Section 19600) of Part 3 of Division 13 of the Health and Safety Code is repealed.

SEC. 4. Chapter 6 (commencing with Section 19700) of Part 3 of Division 13 of the Health and Safety Code is repealed.

SEC. 5. Section 19825 of the Health and Safety Code is amended to read:

19825. (a) The provisions of Part 1.5 (commencing with Section 17910) of this division and of Chapter 1 (commencing with Section 19000) and Chapter 2 (commencing with Section 19100) of Part 3 of this division shall not apply within any city having and enforcing a local ordinance prescribing minimum standards equal to or greater than such provisions of this division; such local ordinance shall supersede such provisions of this division.

(b) No provision of this chapter shall be construed to authorize a reduction in or exemption from the provisions of Chapter 5 (commencing with Section 17960) of, or from any permit or certificate provisions of the rules and regulations promulgated pursuant to the provisions of, Part 1.5 (commencing with Section 17910) of this division or a reduction in the maintenance, sanitation or occupancy provisions of any rules and regulations promulgated pursuant to the provisions of Part 1.5 (commencing with Section 17910) of this division.

(c) The provisions of this chapter shall be effective only in a city where the legislative body determines that an ordinance described in subdivision (a) of this section is in force and effect and so notifies the Department of Housing and Community Development.

CHAPTER 166

An act to amend Section 1013 of the Code of Civil Procedure, relating to service by mail.

[Approved by Governor May 20, 1968. Filed with Secretary of State May 20, 1968.]

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

SECTION 1. Section 1013 of the Code of Civil Procedure is amended to read:

1013. In case of service by mail, the notice or other paper must be deposited in the United States post office, or a mail box, sub-post office, substation, or mail chute, or other like facility regularly maintained by the government of the United States, in a sealed envelope, with postage paid, addressed to the person on whom it is to be served, at his office address as last given by him on any document which he has filed in the cause and served on the party making service by mail; otherwise at his place of residence. The service is complete at the time of the deposit, but if, within a given number of days after such service, a right may be exercised, or an act is to be done by the adverse party the time within which such right may be exercised or act be done, is extended two days, together with one day additional for every full 100 miles distance between the place of deposit and the place of address, if served by different post offices, but such extension shall not exceed 30 days in all nor shall it apply to extend the time for filing notice of intention to move for new trial, notice of intention to move to vacate judgment pursuant to Section 663a of this code or notice of appeal.

CHAPTER 167

An act to amend Section 6 of, and to add Section 6.2 to, the Metropolitan Water District Act (Chapter 429 of the Statutes of 1927), relating to the board of directors of metropolitan water districts.

[Approved by Governor May 20, 1968. Filed with Secretary of State May 20, 1968.]

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

SECTION 1. Section 6 of the Metropolitan Water District Act (Chapter 429, Statutes of 1927) is amended to read:

Sec. 6. All powers, privileges and duties vested in or imposed upon any district incorporated hereunder shall be exercised and performed by and through a board of directors; provided, however, that the exercise of any and all executive, administrative and ministerial powers may be by said board

of directors delegated and redelegated to any of the offices created hereby or by the board of directors acting hereunder.

The board of directors herein referred to shall consist of at least one representative from each municipality, the area of which shall lie within the metropolitan water district. Such representatives shall serve without compensation from the district and shall be designated and appointed by the chief executive officers of municipalities, respectively, with the consent and approval of the governing bodies of the municipalities, respectively (hereafter referred to as the "appointing power"). As a member of the board of directors, each representative shall be entitled to vote on all questions, orders, resolutions and ordinances coming before the board, and shall be entitled to cast one vote for each ten million dollars ($10,000,000), or major fractional part thereof, of assessed valuation of property taxable for district purposes in the municipality represented by him as shown by the assessment records of the county and evidenced by the certificate of the county auditor; provided, that each representative shall have at least one vote and no municipality shall have votes exceeding in number the total number of votes of all the other municipalities whose corporate areas are included in such district. In lieu of one representative any municipality may at its option designate and appoint several representatives not exceeding one additional representative for each one billion dollars ($1,000,000,000) of assessed valuation, in which event each such representative present at a meeting of the board of directors when a vote is taken shall cast, or may abstain from casting, an equal share of the total vote to which such municipality is entitled; provided, that no incumbent representative shall be deprived of his office by reason of increase in the amount of assessed valuation required to authorize designation and appointment of additional representatives nor by reason of any decrease in assessed valuation of the municipality which he represents occurring after his assumption of office. The affirmative votes of members representing more than fifty (50) percent of the total number of votes of all the members shall be necessary and, except as otherwise herein provided, shall be sufficient to carry any order, resolution or ordinance coming before the board of directors. Any meeting may be adjourned or recessed from day to day or from time to time, by vote of the director or directors present, irrespective of the number of directors present or the number of votes represented at such meeting. For the purposes of this section, the term "major fractional part" shall be deemed to mean a fractional part larger than one-half. Members of the board of directors so constituted shall convene at the time and place fixed by the chief executive officer of the municipality initiating the proceedings hereunder, and immediately upon convening, such board of directors shall elect from its membership a chairman, a vice chairman, and a secretary, who shall serve

for a period of two years, or until their respective successors shall be elected and qualified.

The board of directors shall have power:

(1) To fix the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings.

(2) To make and pass ordinances, resolutions and orders not repugnant to the Constitution of the United States or of the State of California, or to the provisions of this act, necessary for the government and management of the affairs of the district, for the execution of the powers vested in the district and for carrying into effect the provisions of this act. On all ordinances the roll shall be called and the ayes and noes recorded. Resolutions and orders may be adopted by viva voce, but on demand of any member the roll shall be called. No ordinance shall be adopted unless it shall have been introduced on a day previous to the time of such adoption except by unanimous vote of all the members of the board of directors present; provided, there shall be present directors from not less than three-fourths of all municipalities whose corporate areas are included in said metropolitan water district and representing not less than three-fourths of the total votes of said district; provided, that in lieu of such previous introduction or unanimous vote any ordinance may be mailed by registered mail, postage prepaid, to each member of the board of directors at least five (5) days prior to the day upon which such ordinance shall be presented for adoption. No ordinance adopted by the board of directors shall take effect until the expiration of thirty (30) days following the adoption thereof, except an ordinance ordering or otherwise relating to an election or to the issuance or sale of bonds or to the levying or collection of taxes or the fixing of water rates; and an ordinance necessary for the immediate preservation or protection of the property, interests or welfare of the district, which shall contain a specific statement showing its urgency, and is passed by three-fourths of the total vote of the board of directors but all ordinances of any of the classes heretofore excepted by this section shall take effect upon their adoption. All ordinances except those which shall take effect upon their adoption as provided in this section shall be subject to referendum in the manner provided by law for the legislative acts of boards of supervisors of counties.

(3) To fix the location of the principal place of business of the district and the location of all offices and departments maintained hereunder.

(4) To prescribe by ordinance a system of business administration and to create any and all necessary offices which shall include the offices of controller and of treasurer and to establish and reestablish the powers and duties and compensation of all officers and employees and to require and fix the amount of all official bonds necessary for the protection of the funds and property of the district.

(5) To prescribe by ordinance a system of civil service.

(6) To delegate and redelegate by ordinance to officers of the district power to employ clerical, legal and engineering assistants and labor, and under such conditions and restrictions as shall be fixed by the directors, power to bind the district by contract.

(7) To prescribe a method of auditing and allowing or rejecting claims and demands; also to prescribe methods for the construction of works and for the letting of contracts for the construction of works, structures or equipment, or the performance or furnishing of labor, materials or supplies, required for the carrying out of any of the purposes of this act; provided that, in cases where work is not to be done by the district itself by force account, and the amount involved shall be ten thousand dollars ($10,000), or more, the board of directors shall provide for the letting of contracts to the lowest responsible bidder, after publication of notices inviting bids, subject to the right of said board to reject any and all proposals; provided, likewise, that the board of directors in advertising for bids and in letting contracts as above provided, may require all articles to be furnished to the district thereunder to be manufactured, produced or fabricated in the United States or its territories, and may prohibit the use in, or employment in connection with, the carrying out of such contracts by the contractor or any subcontractor, of all machinery or materials except such as shall have been manufactured, produced or fabricated in the United States or its territories, if such are available, the question of such availability to be determined by the board of directors; provided further, that contracts, in writing or otherwise, may be let without advertising for or inviting bids, when any repairs, alterations, or other work, or the purchase of materials, supplies, equipment or other property, shall be deemed by the board of directors to be of urgent necessity, and shall be authorized by a two-thirds vote thereof.

(8) To fix the rate or rates at which water shall be sold. Such rates, in the discretion of the board, may differ with reference to different sources from which water shall be obtained by the district. The board of directors, under conditions and on terms found and determined by the board to be equitable, may fix rates for the sale and delivery to constituent municipalities of water obtained by the district from one source of supply in substitution for water obtained by the district from another and different source of supply, and may charge for such substitute water at the rate fixed for the water for which it is so substituted. The board of directors, so far as practicable, shall fix such rate or rates for water as will result in revenue which will pay the operating expenses of the district, provide for repairs and maintenance, provide for payment of the purchase price or other charges for property or services or other rights acquired by the district, and provide for the payment of the interest and principal of the

bonded debt subject to the applicable provisions of this act authorizing the issuance and retirement of the bonds. Such rates, subject to the foregoing provisions of this paragraph (8), shall be uniform for like classes of service throughout the district.

SEC. 2. Section 6.2 is added to the Metropolitan Water District Act (Chapter 429 of the Statutes of 1927), to read:

Sec. 6.2. In lieu of the appointment of members to the board of directors pursuant to Section 6 for an indefinite term at the pleasure of the appointing power, a municipality may by ordinance provide that each representative of that municipality shall serve for a term of four years commencing on the first day of January of an odd-numbered year, and thereafter until his successor has been appointed and qualified, in accordance with the following provisions:

(1) The term of office of an incumbent representative of a municipality with only one representative on the board on the effective date of such ordinance shall expire on the next succeeding 31st day of December of an even-numbered year following such effective date, or thereafter when his successor has been appointed and qualified.

(2) The appointing power of a municipality which has more than one representative on the board shall designate the term of each such representative so that to the extent possible the term of an equal number of directors will expire on the next succeeding 31st day of December of an even-numbered year following the effective date of such ordinance and on the 31st day of December of the next succeeding even-numbered year, or thereafter when their successors have been appointed and qualified.

(3) A person appointed to fill a vacancy shall hold office for the unexpired term of his predecessor.

(4) Any director so appointed for a specified term may be removed by the appointing power for cause.

(5) The repeal of such ordinance shall not affect the term of an incumbent representative appointed pursuant to such ordinance.

CHAPTER 168

An act to amend Section 13459 of the Education Code, relating to the public schools.

[Approved by Governor May 21, 1968. Filed with Secretary of State May 22, 1968.]

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

SECTION 1. Section 13459 of the Education Code is amended to read:

13459. Every employee granted a leave of absence pursuant to Section 13457 may be required to perform such services

during the leave as the governing board of the district and the employee may agree upon in writing, and the employee shall receive such compensation during the period of the leave as the governing board and the employee may agree upon in writing, which compensation shall be not less than the difference between the salary of the employee on leave and the salary of a substitute employee in the position which the employee held prior to the granting of the leave. However, in lieu of such difference, the board may pay one-half of the salary of the employee on leave or any additional amount up to and including the full salary of the employee on leave.

CHAPTER 169

An act to amend Section 5206 of the Business and Professions Code, relating to advertising displays.

[Approved by Governor May 21, 1968. Filed with Secretary of State May 22, 1968.]

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

SECTION 1. Section 5206 of the Business and Professions Code is amended to read:

5206. The verb, "to place" and any of its variants, as applied to advertising displays, includes the maintaining and the erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible any advertising display on or to the ground or any tree, bush, rock, fence, post, wall, building, structure or thing. It does not include any of the foregoing activities when performed incident to the change of an advertising message or customary maintenance of the advertising display.

CHAPTER 170

An act to add Section 6.3 to the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953), relating to the Marin County Flood Control and Water Conservation District.

[Approved by Governor May 21, 1968. Filed with Secretary of State May 22, 1968.]

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

SECTION 1. Section 6.3 is added to the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953), to read:

Sec. 6.3. The board may transfer funds between the respective zones for district purposes on a temporary basis,

subject to the approval of zone advisory boards whose funds would be affected as set forth in Section 6.2.

The board may determine whether such interzone loans shall bear interest and in what amount. Payment shall be made by the borrowing zone to the zone whose funds were loaned in the fiscal year next succeeding the fiscal year in which the temporary transfer was made.

CHAPTER 171

An act making an appropriation to the Emergency Fund in augmentation of Item 316, Budget Act of 1966.

[Approved by Governor May 21, 1968. Filed with Secretary of State May 22, 1968.]

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

SECTION 1. The sum of seven hundred eighty-five thousand seven hundred seventy-seven dollars ($785,777) is hereby appropriated for the Emergency Fund in augmentation of and upon the same terms and conditions as the appropriation made by Item 316, Budget Act of 1966.

SEC. 2. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 172

An act to amend Section 53066 of the Government Code, relating to community antenna television.

[Approved by Governor May 21, 1968. Filed with Secretary of State May 22, 1968.]

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

SECTION 1. Section 53066 of the Government Code is amended to read:

53066. Any city or county or city and county in the State of California may, pursuant to such provisions as may be prescribed by its governing body, authorize by franchise or license the construction of a community antenna television system. In connection therewith, the governing body may prescribe such rules and regulations as it deems advisable to protect the individual subscribers to the services of such community antenna television system. The award of the franchise or license may be made on the basis of quality of service, rates to the subscriber, income to the city, county or city and county, experience and financial responsibility of the applicant plus any

other consideration that will safeguard the local public interest, rather than a cash auction bid. The maximum franchise fee for any franchise or license hereafter awarded pursuant to this section or pursuant to any ordinance adopted under authority of this section by any city or county or city and county shall be 5 percent of the grantee's gross receipts from its operations within such city or county or city and county. Any cable television franchise or license awarded by a city or county or city and county pursuant to this section may authorize the grantee thereof to place wires, conduits and appurtenances for the community antenna television system along or across such public streets, highways, alleys, public properties, or public easements of said city or county or city and county. Public easements, as used in this section, shall include but shall not be limited to any easement created by dedication to the city or county or city and county for public utility purposes or any other purpose whatsoever.

CHAPTER 173

An act to amend Section 6001 of the Public Utilities Code, relating to franchises.

[Approved by Governor May 21, 1968. Filed with Secretary of State May 22, 1968.]

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

SECTION 1. Section 6001 of the Public Utilities Code is amended to read:

6001. Every franchise or privilege to erect or lay telegraph or telephone wires, to construct or operate street or interurban railroads upon any public street or highway, to lay gas pipes for the purpose of carrying gas for light, heat, or power, to erect poles or wires for transmitting electricity for light, heat, or power, along or upon any public street or highway, or to exercise any other privilege whatever proposed to be granted by the governing or legislative body of any county, city and county, or city shall be granted upon the conditions in this article provided, and not otherwise, except when such franchises are granted pursuant to Chapters 2 or 3 of this division.

This article does not apply to franchises or privileges for railroads, or telegraph or telephone lines doing an interstate business, or to renewals of franchises for piers, chutes, or wharves, or to community antenna television systems, or to franchises or privileges for purposes not involving the furnishing of any service or commodity to the public or any portion thereof.

CHAPTER 174

An act to amend Section 228 of the Military and Veterans Code, relating to the National Guard.

[Approved by Governor May 21, 1968. Filed with Secretary of State May 22, 1968.]

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

SECTION 1. Section 228 of the Military and Veterans Code is amended to read:

228. Any commissioned officer or warrant officer who has served 20 years in the military or naval service of the state, or for 20 years partly in one and partly in the other, may upon his own application, in the discretion of the Governor, be retired and may, within one year of such retirement, be placed upon the retired list with an increase in rank of one grade above that held by him on the date of his application. Such advancement in grade on the retired list shall not increase the retirement pay, if any, received by the person so advanced. Service in the United States Army, United States Air Force, United States Navy, or any reserve component thereof shall be considered as state service in computing length of state service for the purposes of this section.

Officers and warrant officers on active duty with the office of the Adjutant General pursuant to the provisions of Sections 142, 167, 320 and 340 of this code who are not members of the Public Employees' Retirement System and who have been on active duty with the office of the Adjutant General for a total period of 10 years shall upon their own application be retired in accordance with the federal law, statutes, rules and regulations which on the date of such application govern the retirement of commissioned officers and warrant officers of the reserve components of the Army of the United States on extended active duty; provided that inactive service in a reserve component of the armed forces of the United States shall not be considered in computing the total state service for retirement purposes. Retirement from state active duty with the office of the Adjutant General shall not prohibit a person from membership in the active California National Guard. In such cases the length of service shall be computed as provided in this section and Section 215 of this code.

CHAPTER 175

An act to amend Sections 10231 and 10231.1 of the Business and Professions Code, relating to real estate transactions.

[Approved by Governor May 21, 1968. Filed with Secretary of State May 22, 1968.]

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

SECTION 1. Section 10231 of the Business and Professions Code is amended to read:

10231. No person in doing any of the acts set forth in subdivision (d) of Section 10131, subdivision (e) of Section 10131, and Section 10131.1 shall accept any purchase or loan funds or other consideration from a prospective purchaser or lender, or directly or indirectly cause such funds or other consideration to be deposited in an escrow except as to a specific loan or a specific real property sales contract or promissory note secured directly or collaterally by a lien on real property on which loan, contract or note the person has a bona fide authorization to negotiate or to sell or which has been bought and completely paid for by the licensee, or has an unconditional written contract which obligates him to purchase a specific real property sales contract or promissory note secured directly or collaterally by a deed of trust.

SEC. 2. Section 10231.1 of the Business and Professions Code is amended to read:

10231.1. No person in doing any of the acts set forth in subdivision (d) of Section 10131, subdivision (e) of Section 10131 and Section 10131.1 shall, as agent or principal, retain funds payable according to the terms of a promissory note or real property sales contract secured directly or collaterally by a lien on real property, for a period longer than 60 days, except pursuant to a written agreement with the purchaser or lender; provided that no agreement shall provide for the payment of interest on funds so retained.

CHAPTER 176

An act to amend Sections 10237, 10238.6 and 10238.7 of, and to repeal Section 10237.4 of, and to add Section 10237.4 to, the Business and Professions Code, relating to real property securities.

[Approved by Governor May 21, 1968. Filed with Secretary of State May 22, 1968.]

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

SECTION 1. Section 10237 of the Business and Professions Code is amended to read:

10237. A real property securities dealer within the meaning of this article is any person, acting as principal or agent, who engages in the business of:

(a) Selling real property securities as defined by subdivision (a) of Section 10237.1, to the public, or

(b) Offering to accept or accepting funds for continual reinvestment in real property securities, or for placement in an account, plan or program whereby the dealer implies that a return will be derived from a specific real property sales contract or promissory note secured directly or collaterally by a lien on real property which is not specifically stated to be based upon the contractual payments thereon.

SEC. 2. Section 10237.4 of the Business and Professions Code is repealed.

SEC. 3. Section 10237.4 is added to the Business and Professions Code, to read:

10237.4. Every person selling a real property security shall personally sign and deliver to the purchaser a statement in writing, containing all the information required by Section 10237.5, before the purchaser shall be obligated to complete the transaction. No seller shall permit the purchaser to sign the statement if any information required by Section 10237.5 is omitted. The seller shall retain an executed copy of the statement for four years.

SEC. 4. Section 10238.6 of the Business and Professions Code is amended to read:

10238.6. Any person who does any of the following acts is guilty of a public offense punishable by a fine not exceeding five thousand dollars ($5.000) or by imprisonment in the state prison not exceeding five (5) years or in a county jail not exceeding one (1) year or by both such fine and imprisonment.

(a) In any application to the commissioner or in any proceeding before him, or in any examination, audit or investigation made by him or on his authority, knowingly makes any false statement or representation, or, with knowledge of its falsity, files or causes to be filed in the office of the commissioner any false statement or representation in a required report.

(b) Issues, circulates or publishes, or causes to be issued, circulated or published any advertisement, pamphlet, prospectus or circular concerning any real property security which contains any statement that is false or misleading, or otherwise likely to deceive a reader thereof, with knowledge that it contains such false, misleading or deceptive statement.

(c) In any respect willfully violates or fails to comply with any provision of this article, or willfully violates or fails, omits or neglects to obey, observe or comply with any order,

decision, demand, requirement or permit, or any part or provisions thereof, of the commissioner under this article.

(d) With one or more other persons, conspires to violate any permit or order issued by the commissioner or any provision of this article.

SEC. 5. Section 10238.7 of the Business and Professions Code is amended to read:

10238.7. Every person sustaining an injury resulting from a transaction subject to this article which was in violation of the provisions of the article may recover in a civil action the amount of the damages with interest at 7 percent per annum from the date of the injury, and shall be entitled to be awarded a reasonable attorney's fee. Any such action shall be brought within three (3) years from the date of the transaction notwithstanding the date the injury was discovered.

SEC. 6. The intent of the Legislature in enacting this act is to facilitate the financing of residential property in California by permitting any individual to engage in the sale of promotional notes and promotional contracts of sale as defined in subdivisions (b) and (c) of Section 10237.1 of the Business and Professions Code; but it is the further intent of the Legislature that such notes or contracts not be offered or sold to the public by anyone until a permit for their sale is obtained from the Real Estate Commissioner under the provisions of Section 10238.3 of the Business and Professions Code.

CHAPTER 177

An act to amend Section 2193.5 of the Business and Professions Code, relating to the practice of medicine.

[Approved by Governor May 21, 1968. Filed with Secretary of State May 22, 1968.]

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

SECTION 1. Section 2193.5 of the Business and Professions Code is amended to read:

2193.5. An applicant who at the time of his application is (1) a person who has filed the declaration of intention to become a citizen of the United States, or a petition for naturalization, or comparable document prescribed by federal law, if he has been engaged in the practice of medicine in the United States for at least five years at a hospital or hospitals approved by the board for the training of interns, or is (2) a citizen of the United States, and whose application is based on a diploma issued to him by a foreign medical school, except a Canadian

school, shall furnish documentary evidence, satisfactory to the board that:

(a) He has completed in a medical school or schools a resident course of professional instruction equivalent to that required in this article for a physician and surgeon applicant.

(b) Subsequent thereto, he has had issued to him by such medical school, a medical diploma, as evidence of the completion of the course of medical instruction required in this chapter.

Applicants under this section must serve at least one year in a service satisfactory to the board in a hospital located in the United States and approved by the board for the training of interns. Before a certificate may be issued, the applicant must not only meet the requirements of subdivisions (a) and (b) of this section, but must also pass the written examination as provided under Article 10 (commencing with Section 2280) of this chapter prior to commencing an internship in a hospital located in this state or at any time after the satisfactory completion of an internship in an approved hospital located in another state. and must also pass an oral and clinical examination at the satisfactory completion of the one-year internship.

Nothing contained in this section shall prohibit the board from disapproving any foreign medical school nor from denying the application if, in the opinion of the board, the instruction received by the applicant or the courses were not equivalent to that required in this article for a physician and surgeon applicant.

CHAPTER 178

An act to amend Sections 2814 and 26708 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor May 21, 1968 Filed with Secretary of State May 22, 1968]

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

SECTION 1. Section 2814 of the Vehicle Code is amended to read:

2814. Every driver of a passenger vehicle shall stop and submit the vehicle to an inspection of the mechanical condition and equipment of the vehicle at any location where members of the California Highway Patrol are conducting tests and inspections of passenger vehicles and when signs are displayed requiring such stop.

The Commissioner of the California Highway Patrol may make and enforce regulations with respect to the issuance of stickers or other devices to be displayed upon passenger vehicles as evidence that the vehicles have been inspected and have been found to be in safe mechanical condition and equipped as required by this code and equipped with certified motor vehicle pollution control devices as required by Section

39090 of the Health and Safety Code which are correctly installed and in operating condition. Any sticker so issued shall be placed on the windshield within a seven-inch square as provided in Section 26708.

If, upon such an inspection of a passenger vehicle, it is found to be in unsafe mechanical condition or not equipped as required by this code and the provisions of Section 39090 of the Health and Safety Code, the provisions of Article 2 (commencing with Section 40150) of Chapter 1 of Division 17 of this code shall apply.

SEC. 2. Section 26708 of the Vehicle Code is amended to read:

26708. (a) No person shall drive any motor vehicle with any object or material placed upon the windshield, side or rear windows or with any object or material so placed in or upon the vehicle as to obstruct or reduce the driver's clear view through the windshield or side windows.

(b) This section shall not apply to:

(1) Rearview mirrors, or adjustable nontransparent sunvisors which are mounted forward of the side windows and are not attached to the glass.

(2) Signs, stickers or other materials which are displayed in a seven-inch square in the lower corner of the windshield farthest removed from the driver.

(3) Side windows which are to the rear of the driver.

(4) Direction, destination, or termini signs upon a passenger common carrier motor vehicle, providing such signs do not interfere with the driver's clear view of approaching traffic.

CHAPTER 179

An act to amend Section 8436 of the Government Code, relating to the Southern California World Trade Center.

[Approved by Governor May 21, 1968. Filed with Secretary of State May 22, 1968.]

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

SECTION 1. Section 8436 of the Government Code is amended to read:

8436. The authority is composed of 11 members, including the Director of Public Works, the Director of Finance, one member of the Los Angeles Board of Harbor Commissioners, one member of the Long Beach Board of Harbor Commissioners, one member of the Board of Commissioners of the San Diego Unified Port District, one member of the Board of Harbor Commissioners of the Oxnard Harbor District, and five persons appointed by the Governor from the areas of California having the greatest concern in the world trade center and representing, insofar as practicable, the industries and

areas benefited by the activities of the Southern California World Trade Center. Persons appointed shall have outstanding qualifications resulting from training, experience, and attainments in production and trade.

The members of the authority that serve as a representative of a harbor commission shall serve on the authority only so long as they are members of their respective commissions.

If the office of the Director of Public Works or of the office of the Director of Finance hereafter be discontinued or abolished by law, then the Governor shall appoint any person or officer of the State of California to fill any vacancy resulting from the abolition or discontinuance of such office.

CHAPTER 180

An act to amend Section 12509 of the Vehicle Code, relating to driver instruction permits.

[Approved by Governor May 21, 1968 Filed with Secretary of State May 22, 1968]

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

SECTION 1. Section 12509 of the Vehicle Code is amended to read:

12509. Any person who is over the age of 17 years and 6 months may apply to the department for an instruction permit. The department for good cause may issue to the applicant an instruction permit which shall entitle the applicant while having the permit in his immediate possession to drive a motor vehicle upon the highways for a period not exceeding six months when accompanied by, and under the immediate supervision of, a California licensed driver 25 years of age or over not holding a probationary license, but the applicant need not be so accompanied when operating a motorcycle. The department may further restrict the permits as it may determine to be appropriate to assure the safe operation of a motor vehicle by the permittee.

CHAPTER 181

An act to amend Sections 43606, 48203, and 48213 of, and to add Section 48214 to, the Agricultural Code, relating to melon standards.

[Approved by Governor May 21, 1968 Filed with Secretary of State May 22, 1968]

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

SECTION 1. Section 43606 of the Agricultural Code is amended to read:

43606. Standard containers numbers 44H to 44L, inclusive, are as follows:

Number	Name	Dimensions in inches Depth	Width	Length
44H	Melon crate	$6\frac{3}{4}$ to $8\frac{3}{4}$	16	$22\frac{1}{8}$
44I	Melon crate	$7\frac{3}{4}$	14	$22\frac{1}{8}$
44J	Melon crate	$5\frac{3}{4}$	$14\frac{1}{2}$	$22\frac{1}{8}$
44K	Melon carton	$6\frac{1}{2}$ to $8\frac{3}{4}$	$15\frac{1}{4}$	17
44L	Melon carton	7	$12\frac{1}{4}$	$18\frac{7}{8}$

SEC. 2. Section 48203 of the Agricultural Code is amended to read:

48203. "Mature," in the case of casabas, honeydew and honeyball melons, and watermelons, means that the appearance from the outside of the melon indicates maturity and that the arils which surround the seeds have been absorbed and also the following:

(a) In the case of watermelons, that the flesh of the watermelons has not less than 75 percent red color.

(b) In the case of honeyball and honeydew melons, that the juice of the edible portion contains not less than 10 percent soluble solids as determined by the standard hand refractometer, or that the fruit has been separated from the vine by a full slip which indicates actual maturity. The honeyball melon shall be netted and have pink flesh.

SEC. 3. Section 48213 of the Agricultural Code is amended to read:

48213. Except as otherwise provided in this section, all melons shall be packed in standard container number 44H, 44I, 44J, 44K, or 44L and the container shall be closed or lidded.

This section does not apply to any of the following:

(a) Cantaloupes.

(b) Casabas which are shipped intrastate.

(c) Watermelons.

(d) Melons which are in a retail establishment in possession of a retailer for the purpose of resale directly to consumers.

(e) Melons which are sold by a producer regularly engaged in the production of melons directly to consumers on the premises where the melons are produced or at a retail stand which is operated by such producer near the point of production. Such retail stand shall not be outside of the county in which the melons were produced.

SEC. 4. Section 48214 is added to the Agricultural Code, to read:

48214. In addition to the provisions of Section 48213, honeyball melons may be packed in standard container numbers 39, 40, and 41.

CHAPTER 182

An act to add Article 3 (commencing with Section 171) to Chapter 1 of Division 2 of Part 1, to add Article 4 (commencing with Section 461) to Chapter 3 of Division 2 of Part 1, to add Section 802.1, to add Chapter 4 (commencing with Section 885) to Division 3 of Part 1, to add Section 1018, to add Article 10 (commencing with Section 1085) to Chapter 3 of Division 4 of Part 1, to add Sections 5016, 5017, 5018, 5711, 5712, 5719 and 5720, to add Chapter 5.8 (commencing with Section 5770) to Division 6 of Part 2, to add Chapter 5.9 (commencing with Section 5799) to Division 6 of Part 2, to add Article 2.5 (commencing with Section 5820) to Chapter 6 of Division 6 of Part 2, to add Articles 4.5 (commencing with Section 5971), 5 (commencing with Section 5981), 5.5 (commencing with Section 5985), 5.8 (commencing with Section 6001), 6 (commencing with Section 6011), and 6.2 (commencing with Section 6031) to Chapter 6 of Division 6 of Part 2, to add Sections 6307, 6308, 6309, and 6904.2, to add Chapter 13.5 (commencing with Section 7411) to Division 6 of Part 2, to add Division 7 (commencing with Section 7501)to Part 2, to add Sections 13556.5, 18251.1, 18251.2, 18251.3, 18251.4, 18255, and 25520, to repeal Sections 654, 655, and 656, and to repeal Division 7 (commencing with Section 7501) of Part 2 of the Education Code, and to add Section 818.7 to the Government Code, relating to the public school system.

[Approved by Governor May 23, 1968. Filed with Secretary of State May 23, 1968.]

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

SECTION 1. Article 3 (commencing with Section 171) is added to Chapter 1 of Division 2 of Part 1 of the Education Code, to read:

Article 3. State Curriculum Commission

171. There is in the state government the State Curriculum Commission consisting of the Superintendent of Public Instruction, and 12 additional members appointed by the State Board of Education. So far as it is practical and consistent with the duties assigned to the Curriculum Commission by the State Board of Education, at least one-half of the members of the commission shall be persons, who because they have taught, written, or lectured on the subject matter fields specified in Section 172, in the course of public or private employment, have thereby become recognized authorities or experienced practitioners in such fields.

172. The State Board of Education shall consider for membership on the Curriculum Commission persons represent-

ing subjects commonly taught in the public schools, including:

(a) English grammar or composition
(b) American or world literature
(c) American or world history
(d) American or California government or economics
(e) Mathematics
(f) Classical or modern foreign languages
(g) Physical, biological or health sciences
(h) Business, commercial or secretarial vocations
(i) Industrial or agricultural vocations
(j) Fine arts

173. (a) Except as provided in subdivisions (b) and (c) hereof, all members of the Curriculum Commission shall be appointed for a term of four years commencing March 1.

(b) The term of each person who is a member of the Curriculum Commission on the effective date of this section and the term of each person who, after the effective date of this section, is appointed to fill any vacancy in the membership of the Curriculum Commission shall terminate on the last day of February 1969.

(c) To follow the terms that under subdivision (b) expire the last day of February 1969, the State Board of Education shall appoint members to the Curriculum Commisssion whose terms shall commence March 1, 1969; three members for a one-year term; three members for a two-year term; three members for a three-year term; and three members for a four-year term. Thereafter, all members shall be appointed to serve a term of four years.

174. In case of a vacancy on the Curriculum Commission, the State Board of Education shall appoint a member to serve for the remainder of the unexpired term.

175. The Superintendent of Public Instruction shall be the chairman of the Curriculum Commission. In his absence, the Chief of the Division of Instruction of the State Department of Education shall be acting chairman.

176. The annual meeting of the State Curriculum Commission shall be held on the third Saturday in June of each year, but the commission may fix another date for the annual meeting. The Superintendent of Public Instruction shall call meetings of the commission when in his discretion meetings are necessary.

178. Members of the State Curriculum Commission shall serve without compensation, but they shall be allowed their actual and necessary traveling expenses in attending meetings of the commission and in attending meetings of any committee or subcommittee of the commission of which they are members.

179. The expenses of the State Curriculum Commission shall be paid out of appropriations made to the Superintendent of Public Instruction or State Department of Education.

180. Whenever an employee of any public school district, state college, or other public agency is appointed to member-

ship on the Curriculum Commission, his employer shall grant him sufficient time away from his regular duties, without loss of income or other benefits to which he is entitled by reason of his employment, to attend meetings of the commission and to attend to the duties imposed upon him by reason of his membership on the commission. The employer of any such member may make available such stenographic, secretarial, and staff assistance as is reasonably necessary to enable him to execute the duties imposed upon him by reason of his membership on the commission.

181. The Curriculum Commission shall study problems of courses of study in the schools of the state and may recommend to the State Board of Education the adoption of minimum standards for courses of study in the kindergarten, elementary, and secondary schools.

182. Courses of study in the public schools shall conform to such minimum standards when adopted.

SEC. 2. Article 4 (commencing with Section 461) is added to Chapter 3 of Division 2 of Part 1 of the Education Code, to read:

Article 4. Responsibilities for Educational Programs

461. The Department of Education shall:

(a) Adopt such rules and regulations as it deems necessary and proper to secure the establishment of courses in physical education in the elementary and secondary schools.

(b) Compile or cause to be compiled and printed a manual in physical education for distribution to teachers in the public schools of the state.

462. The Department of Education may employ the necessary expert and clerical assistants in order to carry out the provisions of this article.

463. The Department of Education shall exercise general supervision over the courses of physical education in elementary and secondary schools of the state; exercise general control over all athletic activities of the public schools; advise school officials, school boards, and teachers in matters of physical education; and investigate the work in physical education in the public schools.

SEC. 3. Section 654 of the Education Code is repealed.

SEC. 4. Section 655 of the Education Code is repealed.

SEC. 5. Section 656 of the Education Code is repealed.

SEC. 6. Section 802.1 is added to the Education Code, to read:

802.1. The county superintendent of schools in each county shall annually inspect each school district maintaining classes in grades 7 or 9 through 12, and shall certify to the Superintendent of Public Instruction whether or not each high school district or unified school district under his jurisdiction has complied, in the maintenance of such grades, with the provisions of Sections 5952, 8571, and 8572. Upon satisfactory evidence being shown to the Superintendent of Public Instruc-

tion that the governing board of any high school district or unified school district has neglected or refused to establish only such courses of study as have been approved by the State Board of Education, or to comply with any of the other provisions of Sections 5952, 8571, and 8572, the Superintendent of Public Instruction shall withhold from the district, ten percent (10%) of all apportionments from the State School Fund, until the governing board fully complies with the provisions of Sections 5952, 8571, and 8572; provided that apportionments to a district shall not be reduced below one hundred twenty dollars ($120) per pupil in average daily attendance in the district during the fiscal year.

SEC. 7. Chapter 4 (commencing with Section 885) is added to Division 3 of Part 1 of the Education Code, to read:

CHAPTER 4. COUNTY SCHOOL SERVICE FUND SERVICES

Article 1. General Provisions

885. The Legislature hereby declares that it is in the interest of the state and of the people for the office of the county superintendent of schools, through the county school service fund, to provide coordination of the educational program among districts under his jurisdiction and to provide professional and financial assistance to school districts which otherwise, because of size or location, would not be able to furnish a satisfactory program of education for their children. Such assistance is a matter of general concern inasmuch as the education of the children of the state is an obligation and function of the state.

In adopting this chapter, the Legislature considers that the coordination of the educational program constitutes the greatest continuing need to be met through the county school service fund. To meet this need the necessity is recognized to provide professional services to coordinate courses of study, guidance services, health services, school library services, special education, and attendance activities.

As an additional need, the Legislature recognizes the necessity to provide professional services in districts too small to supply such services for themselves economically and effectively, such as, (a) to prepare courses of study; (b) to supervise instructional practices; (c) to provide direct guidance services, health services, and attendance services normally provided in an educational program; (d) to provide for the purchase, distribution, and use of supplementary instructional materials and equipment; and (e) to provide educational opportunity to normal and special pupils who would otherwise be denied it. It is recognized further that providing for professional service is a transitory function of the county school service fund to be assumed by school districts when, through growth or reorganization, they will be able to perform the services for themselves.

It is the further intent of the Legislature that:

(a) Services involving the coordination of the educational program which have among others the purposes of (1) enforcing minimum standards, (2) improving the educational program, and (3) promoting order and reasonable uniformity in the educational program shall be provided, except as may be specifically authorized, at the district level, reserving to the district the opportunity and responsibility for internal improvement, and that such services will be provided in such a manner that recognition will be given to the responsibilities placed upon school districts by the Legislature to determine and administer their own educational program.

(b) Services to school districts which do not constitute coordination among districts shall be provided in such a manner that impetus will be given to strengthening school districts and to improving district organization to the end that more effective programs of education may be offered, and that the provision of services through the county school service fund shall not act to deter or delay any school districts from furnishing such services for themselves.

(c) Services to school districts shall be cooperatively provided by two or more county superintendents of schools without regard for county boundaries whenever a particular service may be so provided with economy and effectiveness.

(d) The direct operation of an educational program by the county superintendent of schools shall, except as specifically authorized by the Legislature, be limited to those emergency cases where children would otherwise be denied an opportunity for education.

885.1. Any services of the county superintendent of schools authorized by this chapter which relate to the coordination of the educational program or coordination of the course of study among districts under his jurisdiction, the preparation of courses of study, the development of courses of study or curricula materials, or research or development studies in connection with the curricular and special services of the county superintendent of schools are subject to the budget and other restrictions of Section 18351.2 and any other applicable sections.

885 2. The county school service fund shall be used to pay for those services provided by the county superintendent of schools that are authorized by this chapter, and for such other purposes as are specifically authorized in Section 880.

885.3. The county superintendent of schools may, with the approval of the county board of education and in accordance with regulations of the Superintendent of Public Instruction which he is authorized to adopt, employ qualified personnel to provide for the coordination of courses of study, guidance services, health services, school library services, special education, and attendance activities among the school districts under his jurisdiction. The regulations of the Superintendent of Public Instruction adopted pursuant to this section shall be

adopted with the advice of an advisory committee to include county superintendents of schools, which the Superintendent of Public Instruction is herewith authorized to appoint.

885.4. The services described in Section 885.3 shall, except in advisory services in school business administration activities, clerical, accounting, and stenographic services, be performed by persons who hold a valid credential, or a life diploma based thereon, of one or more of the following types issued by the State Board of Education:

(a) Elementary or secondary school administration credential.

(b) A standard administration credential.

(c) A standard supervision credential with authorization appropriate to the area of service.

(d) Elementary or secondary school supervision credential.

(e) Special subject supervision credential.

(f) A credential which authorizes service similar to that authorized by one or more of the foregoing types of credentials.

Any person who is, and continuously since September 7, 1955, has been, employed in the office of a county superintendent of schools and is performing any of the services described in Sections 885.3 and 885.4 may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed in his position.

Article 1.5. Special Education Program Coordination and Services

885.9. The county superintendent of schools shall have primary responsibility for coordinating all special programs maintained by the office of the county superintendent and by the school districts under the jurisdiction of that office, for the education of physically handicapped minors as defined in Article 1 (commencing with Section 6801) of Chapter 8 of Division 6, and mentally retarded minors as defined in Chapter 9 (commencing with Section 6901) of Division 6.

The county superintendent of schools shall undertake the necessary measures to ensure that every minor in the school district territory under his jurisdiction who is eligible to participate in any such special education program for physically handicapped minors or mentally retarded minors being provided in the territory, shall be afforded the opportunity to participate in an appropriate program.

The county superintendent of schools shall compile and maintain a tabulation of the number of all physically handicapped minors and mentally retarded minors enrolled in every category of the special education program in the school district territory under his jurisdiction and the schools in which such minors are enrolled.

The county superintendent of schools shall maintain a current list of all physically handicapped minors and mentally

retarded minors who have applied for but have been denied access to each category of the special education program in the school district territory under his jurisdiction.

It shall be the responsibility of the county superintendent of schools to render consultative and coordinative services to school districts under his jurisdiction maintaining special education programs for physically handicapped minors and mentally retarded minors, and to marshall and utilize, to the extent permitted by law, all private as well as public resources and services available to provide education and training for physically handicapped and mentally retarded minors.

Article 2. Preparation of Courses of Studies

886. The county superintendent of schools may, with the approval of the county board of education, and in cooperation with school districts, provide for the preparation of courses of study and the development of curriculum and instructional materials to be used in the elementary and secondary schools.

886.1. The county superintendent of schools may, with the approval of the county board of education, enter into an agreement with the governing board of any school district under his jurisdiction, other than specified in Section 886, to provide for the preparation of courses of study by the county superintendent of schools for use in such districts. The agreement shall provide for the payment of the cost of services rendered.

886.2. The county superintendent of schools, with the approval of the county board of education, and in cooperation with school districts and the State Department of Education, may participate in projects for developmental program planning.

886.3. The services described in Sections 886, 886.1 and 886.2, except clerical, accounting, and stenographic services, shall be performed by persons who hold a valid credential, or a life diploma based thereon, of one or more of the following types issued by the State Board of Education:

(a) Elementary school administration credential.

(b) Elementary school supervision credential.

(c) Special subject supervision credential.

(d) Standard administration credential.

(e) Standard supervision credential with authorization to act as a principal or with a specialization in elementary supervision.

(f) A credential which authorizes service similar to that authorized by one or more of the foregoing types of credentials.

Any person who is, and continuously since September 7, 1955, has been, employed in the office of a county superintendent of schools and is performing the services described in this article may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed in his position.

Article 3. Supervision of Instruction

887. The county superintendent of schools may, with the approval of the county board of education, employ supervisors to supervise instruction in the elementary school districts under his jurisdiction which had less than 901 units of average daily attendance during the preceding fiscal year and in the elementary schools of unified school districts under his jurisdiction which had less than 1,501 units of average daily attendance during the preceding fiscal year. The services of supervisors shall be made available in such elementary and unified districts in which adequate supervision of instruction is not being provided by the district.

887.1. The county superintendent of schools may, with the approval of the county board of education, enter into an agreement with the governing board of any elementary school district under his jurisdiction for the supervision of instruction in the district by the county superintendent of schools. The agreement shall provide for the payment of the cost of providing the supervision of instruction. The county superintendent of schools shall transfer from the funds of the district to the county school service fund the amounts set forth in the agreement.

887.2. The services described in Sections 887 and 887.1 shall be performed by persons who hold a valid credential issued by the State Board of Education authorizing such service.

Article 4. Supervision of Attendance

888. The county superintendent of schools may, with the approval of the county board of education, employ personnel to supervise the attendance of pupils in elementary school districts under his jurisdiction which had less than 901 units of average daily attendance during the preceding fiscal year, in high school districts under his jurisdiction which had less than 301 units of average daily attendance during the preceding fiscal year, and in unified school districts under his jurisdiction which had less than 1,501 units of average daily attendance during the preceding fiscal year, if the districts are not served by any district supervisor of attendance.

888.1. The county superintendent of schools may, with the approval of the county board of education, provide for the supervision of the attendance of pupils in school districts under his jurisdiction other than specified in Section 888 The county superintendent of schools shall transfer from the funds of the district to the county school service fund an amount equal to the actual cost of providing for the supervision of attendance.

888.2. The services described in Sections 888 and 888.1 shall be performed by persons who hold a valid credential issued by the State Board of Education authorizing performance of the service.

Article 5. Supervision of Health

889. The county superintendent of schools may, with the approval of the county board of education, employ one or more supervisors of health, as supervisors of health are defined in Section 11751, to provide health services to pupils in elementary school districts under his jurisdiction which had less than 901 units of average daily attendance during the preceding fiscal year, to pupils in high school districts under his jurisdiction which had less than 301 units of average daily attendance during the preceding fiscal year, and to pupils in unified school districts under his jurisdiction which had less than 1,501 units of average daily attendance during the preceding fiscal year.

889.1. In lieu of employing supervisors of health, the county superintendent of schools may, with the approval of the county board of education, contract with the board of supervisors of the county in which he holds office, or with any local health district located wholly or partially within such county, for the provision of health services by employees of the county health department or local health district to pupils in the school districts specified in Section 889.

889.2. The county superintendent of schools may, with the approval of the county board of education, enter into an agreement with the governing board of any school district under his jurisdiction for the provision of any or all health services to the district by the county superintendent of schools. The agreement shall provide for the payment of the cost of providing the services. The county superintendent of schools shall transfer from the funds of the district to the county school service fund the amounts set forth in the agreement.

889.3. The services described in Sections 889, 889.1, and 889.2 shall be performed by persons who hold a valid health and development credential, or life diploma based thereon, or a standard designated services credential with a specialization in health issued by the State Board of Education; provided, however, that a psychologist may be employed to perform psychological services or may perform psychological services under contract if he is the holder of a valid school psychologist credential issued by the State Board of Education.

889.4. A supervisor of health employed by the county superintendent of schools shall perform such duties in connection with the supervision of health of pupils as are prescribed by the county superintendent of schools. All rules governing health services provided pursuant to Sections 889, 889.1, or 889.2 shall be made by the county superintendent of schools.

Article 6. Provision of Guidance Services

890. The county superintendent of schools may, with the approval of the county board of education, employ personnel to provide necessary guidance services to pupils in elementary

school districts under his jurisdiction which had less than 901 units of average daily attendance during the preceding fiscal year, in high school districts under his jurisdiction which had less than 301 units of average daily attendance during the preceding fiscal year, and in unified school districts under his jurisdiction which had less than 1,501 units of average daily attendance during the preceding fiscal year; provided, adequate guidance services are not being furnished by the district.

890.1. The county superindendent of schools may, with the approval of the county board of education, enter into an agreement with the governing board of any district for the provision of guidance services in the district by the county superintendent of schools. The agreement shall provide for the payment by the district of the cost of providing the guidance services. The county superintendent of schools shall transfer from the funds of the district to the county school service fund the amounts set forth in the agreement.

890.2. The services described in Sections 890 and 890.1 shall be performed by persons who hold a valid credential issued by the State Board of Education authorizing performance of the service.

Article 7. Provision of Library Services

891. (a) The county superintendent of schools may, with the approval of the board of supervisors and the county board of education, agree with the county librarian to take over all existing contracts for supplementary books and other material adopted for the course of study between the school districts and the county librarian entered into pursuant to the provisions of Sections 7201 to 7211, inclusive, of this code. Thereafter the county superintendent of schools shall generally perform such library services for the school districts as were theretofore performed by the county library.

(b) After the above agreement has been entered into, the governing board of any school district which had not yet joined the county library may enter into an agreement with the county superintendent of schools for the performance of supplementary book services for the school library upon such terms and conditions as are fixed in the contracts or agreements.

(c) Whenever the county superintendent of schools performs supplementary book services for the school library of any district, the provisions of Sections 7201 to 7211, inclusive, of this code, so far as applicable, shall control. The county superintendent shall employ a librarian holding a valid credential authorizing services as a librarian issued by the State Board of Education or having possession of a certificate showing completion of a year's work in an accredited library school. He shall also employ such assistants as may be necessary to carry on this service. The cost of the salaries of such librarian

and assistants, and the other necessary expenses of maintenance of the library, including necessary supplies, equipment, and books, may be paid from the county school service fund.

891.1. (a) The county superintendent of schools of any county in which no county library is maintained may, with the approval of the county board of education, establish and maintain a county school library service for such elementary school districts of the county as elect to participate in such service.

(b) Upon the governing board of any elementary school district electing to participate in such service, the governing board of the district shall enter into an agreement with the county superintendent of schools, and the provisions of Sections 7201 to 7254, inclusive, of this code shall control and be applicable in the same manner as they apply to a school district which agrees to make the school library a branch of the county library.

(c) The county superintendent of schools shall have the same powers, duties, responsibilities, and jurisdiction with respect to the furnishing and performance of library services to elementary school districts which have elected to participate in the county school library service as may be exercised by a county library with respect to school district libraries which are branches thereof.

(d) Whenever the county superintendent of schools establishes and maintains a county school library service pursuant to subdivision (a) of this section, he shall employ a librarian holding a valid credential authorizing service as a school librarian issued by the State Board of Education or having possession of a certificate showing completion of a year's work in an accredited library school.

(e) The county superintendents of schools of two or more contiguous counties which have established county school library services under the provisions of this section may cooperate with each other and to that end may enter into agreements with each other, and may do any and all things necessary or convenient to aid and cooperate in carrying out the provisions of this section.

891.2. The county superintendent of schools may, with the approval of the county board of education, agree with the proper authorities of the county to transfer funds from the county school service fund to the county library for the purchase of such books and other materials as are adopted by the body authorized to adopt courses of study for the school districts of this county.

891.3. The county superintendent of schools of any county maintaining one or more emergency elementary schools may, if the county maintains a county library, enter into an agreement with the proper authorities of the county to establish a branch county library in each of the schools under such terms and conditions as may be agreed upon. The agreement may.

among other matters, provide for the payment by the county superintendent of schools to the proper authorities for the use of the county library from the county school service fund of such money at such times as may be agreed upon. All money transferred shall be used solely by the authorities of the county library for the purchase of books and other materials as may be adopted by the county board of education and for the care and distribution of such books and other materials to school libraries which are branch county libraries.

891.4. (a) The county superintendent of schools may establish a county teachers' library and expend from the county school service fund such amounts as are necessary for the purchase of books therefor and for the payment of the necessary expenses of maintenance thereof.

(b) If there is a county library in any county, the county superintendent of schools may enter into an agreement with the county library for the transfer to it of all books and other property belonging to the county teachers' library and may order such sums to be transferred from the county school service fund as are necessary for expenditure for the purchase and maintenance of books of professional interest to teachers. Thereupon the teachers' library shall be administered as a part of the county library.

891.5. Whenever the county superintendent of schools assumes responsibility for the establishment of a library or the performance of library services pursuant to this article, the county superintendent shall, on or before August 31st, in each year, report to the State Department of Education on the condition of the libraries under his supervision, for the year ending June 30th preceding. The reports of the superintendent shall, in addition to other matters deemed expedient by the librarian and the superintendent, contain such statistical and other information as is deemed desirable by the State Department of Education. For this purpose the State Department of Education may send to the several county superintendents or librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state.

Article 8. Provision of Audiovisual Services

892. (a) The county superintendent of schools may, with the approval of the county board of education, establish, conduct, and maintain facilities, for use in the elementary and secondary schools of the school districts under his jurisdiction that elect to participate in the use of the facilities, which provide for audial and visual curriculum materials, including the necessary salaries, supplies, materials, apparatus, and equipment and other necessary expenses.

(b) The county superintendent of schools shall, with the approval of the county board of education, enter into an agreement with the governing board of any district electing

to participate which shall provide for payment by the district for the use of audiovisual facilities. The county superintendent of schools shall, with the approval of the county board of education, prescribe the method for determining the amount to be paid for the use of the facilities, but in no event shall the total payments made to the county superintendent of schools of any county by the school districts of that county be less than one-half of an amount equal to the total cost of the use of the facilities provided to the school districts electing to participate, less any restricted remaining balance and any amount received by the county superintendent of schools under the provisions of the National Defense Education Act of 1958 (Public Law 864, Eighty-fifth Congress) or under any similar provisions of any other act of Congress, except that the Superintendent of Public Instruction may provide county school service fund money in addition to the established ratio of support in those counties in which he determines that sparsity of population increases operational costs.

(c) Films and filmstrips shall be adopted by the county board of education before they are purchased by the county superintendent of schools.

892.1. The services described in Section 892, except clerical, accounting, and stenographic services, shall be performed by persons who hold a valid credential issued by the State Board of Education of one or more of the types specified in Section 885.4.

Any person who is employed in the office of a county superintendent of schools on the effective date of this section and is performing any of the services described in this article may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed in his position.

892.2. The county superintendent of schools may, with the approval of the county board of education, enter into an agreement with the state, any political subdivision, or any agency of the state or of any political subdivision, to conduct and maintain distribution among schools of districts under the jurisdiction of the county superintendent of schools, under such conditions as are agreed upon, of audial and visual instruction materials and apparatus approved by the constituted educational authorities. The state, any political subdivision, or any agency of the state or of any political subdivision may enter into any agreement with a county superintendent of schools authorized by this article.

892.3. The agreement may, among other matters, provide for the payment by the county superintendent of schools, at such times as are agreed upon, from the county school service fund to the state, political subdivision, or agency, of money for the distribution of materials and apparatus among the schools under his jurisdiction. All money transferred shall be used by the authorities of the state, political subdivision,

or agency solely for the acquisition of audial and visual materials and apparatus as may be designated by the constituted educational authorities and for the care and distribution to schools of the county of the materials and apparatus.

892.4. The county superintendent of schools and the state or any political subdivision, or any agency of the state or of any political subdivision, may acquire materials and apparatus for distribution pursuant to this article, by purchase, rental, lease, loan, or donation, if the materials and apparatus have been adopted as required by law.

892.5. The governing board of any school district may contract with the county superintendent of schools having jurisdiction over the district, with the state, any political subdivision, or any agency of the state or of any political subdivision, for the rendering to the schools of the district of any service authorized by this article, and may pay for the service out of any funds of the district.

All funds paid by a school district to a county superintendent of schools for services rendered to the schools of the district shall be deposited in the county school service fund.

892.6. The governing board of any school district or the county superintendent of schools acting with its permission and on behalf of such a board, or boards, may enter into contracts, either alone or in cooperation with other school districts, for the purpose of participating in or the procuring of television broadcasts for use in the educational program of the schools.

The governing board of any school district or the county superintendent of schools, either alone or in cooperation with other school districts or other county superintendents of schools, may purchase broadcast time over, and may own, lease, and operate, television transmitting facilities for use in providing instructional services, teachers' in-service educational services, which the governing board or the county superintendent of schools is otherwise authorized to provide, and may provide necessary services in connection therewith. The governing board of a school district or the county superintendent of schools which is the owner or lessee of television transmitting facilities may sell broadcast time, on a reimbursement basis, to any other school districts or county superintendent of schools for instructional services and teachers' in-service educational services upon such terms as are mutually agreed upon.

The governing board of a school district and a county superintendent of schools may accept grants-in-aid from any public or private source in carrying out the purposes of this section.

When television transmitting facilities owned, leased or operated by the governing board of a school district or county superintendent of schools either alone or in cooperation with other school districts or other county superintendents of schools pursuant to this section are not in use for providing

instructional services or teachers' in-service educational services, such facilities may be used for transmitting community educational television programs if such use does not require the expenditure of any additional public funds of a school district or a county superintendent of schools.

Article 8.5. Television Advisory Committee

893. There is created within the Department of General Services the Television Advisory Committee. The committee shall be composed of the Director of General Services or his designated representative, and six members appointed by the Governor as follows:

(a) One representative of the University of California, to be nominated by the board of regents.

(b) One representative of the Trustees of the California State Colleges, to be nominated by the trustees.

(c) One representative of the State Board of Education, to be nominated by the board.

(d) One member who shall represent the existing community educational television channels.

(e) One representative of a county superintendent's office, to be nominated by the Superintendent of Public Instruction.

(f) One representative of a junior college district, to be nominated by the State Board of Education.

The committee shall elect one of its members as chairman.

893.1. The members of the committee shall serve at the pleasure of the Governor, and shall serve without compensation, but shall be entitled to their expenses actually and necessarily incurred by them in the performance of their duties.

The expenses of the representatives of the board of regents, Trustees of the California State Colleges, and the Board of Education shall be paid by the agency which they represent. The expenses of the other members shall be paid by the Department of General Services.

893.2. The committee shall provide advice and guidance to the Television Coordinator in carrying out his functions and duties.

893.3. There is created within the Department of General Services the position of Television Coordinator, who shall be appointed by the Governor. The person so appointed shall have demonstrated experience in planning, promotion and administration in the field of television or related activities. The salary of the coordinator shall be fixed by the Director of General Services in accordance with law. He shall serve at the pleasure of the Director of General Services.

893.4. The Television Coordinator shall prepare a plan for television to serve the educational needs of the state. The plan shall assure the most effective and economical utilization of human resources, public funds and channels of transmission.

The coordinator shall also (a) serve as the official state agency for processing applications for federal funds which

may become available for television for educational purposes, and for receiving and distributing such funds, (b) act in an advisory capacity in recommending to the appropriate federal agency or agencies the allocation of television channels which become available for educational purposes, (c) coordinate the activities of the various public and nonprofit agencies concerned with television for educational purposes, and (d) serve as a clearinghouse for information on television for educational purposes.

Nothing in this section shall require the Board of Regents of the University of California or any other agency to submit requests for federal funds through the coordinator if the funds are for a purpose other than a capital outlay for television purposes unless federal law requires that all the federal funds must go through a single state agency.

893.5. The coordinator shall not have any jurisdiction over the matter of the educational content of television programs.

893.6. All applications for television transmission licenses submitted for or on behalf of any school district, state college, of the University of California shall be submitted to and be reviewed by the coordinator before being submitted to the Federal Communications Commission.

893.7. All applications on behalf of any school district for television transmission licenses or federal funds for educational television purposes shall first be submitted to the Department of Education.

Article 9. Education of Physically Handicapped

894. The county superintendent of schools shall establish and maintain programs for physically handicapped minors who come within the provisions of Section 6801 or 6802, including cerebral palsied, orthopedically handicapped, visually handicapped, or aurally handicapped, and who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools of the districts or in unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the districts, whenever such districts have not provided nor entered into contract with other districts to provide such programs.

Such program shall, with the approval of the county board of education, be provided in one or more of the following ways:

(a) In special schools or classes of elementary and secondary grade and in remedial classes of elementary and secondary grade.

(b) By the employment of emergency teachers to provide special instruction in the regular schools of the districts of the county.

(c) By the maintenance of special classes of secondary grade.

(d) By the employment of home instructors to give individual instruction in the home or at the bedside in institutions, and by the employment of instructors to provide remedial instruction for physically handicapped minors in regular, special day, and special training schools or classes which he may be authorized to conduct, and by the employment of instructors to provide individual instruction for minors with speech disorders or defects who are at least three years of age for the purpose of remedying such speech disorders or defects.

(e) By cooperation with the Department of Rehabilitation in the provision of individual instruction and coordination services.

(f) By contract with the county superintendent of schools of another county or with the governing board of any school district.

(g) In integrated programs of instruction of elementary or secondary grade.

(h) By the employment of instructors to provide individual instruction, subject to the provision of Section 6812, in schools or in the homes of minors who are deaf or hard-of-hearing, as determined by the State Board of Education, and between the ages of three and six years of age.

Such schools and classes shall be establised at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. In an instance where it would be impractical because of the transportation distances existing to bring a sufficient number of physically handicapped minors within the meaning of Section 6801 or 6802 together in one place to form a school or special class, the county superintendent of schools, upon the annual approval of the Superintendent of Public Instruction, may defer compliance with the provisions of this section for the year in question.

Any elementary or unified school district which has an average daily attendance of less than 8,000 in the elementary schools of the district and any unified or high school district which has an average daily attendance of less than 8,000 in the high schools of the district, with the approval of the county superintendent of schools, may establish and maintain programs for the physically handicapped who come within the provisions of Section 6801 or 6802.

The county superintendent of schools required to provide for the education of physically handicapped minors residing in the county who come within the provisions of Section 6801 or 6802 may, with the approval of the Superintendent of Public Instruction, enter into agreements with an elementary, unified, or high school district for the latter to provide for the education of such physically handicapped minors.

894.1. The county superintendent of schools may, with the approval of the county board of education, enter into an agreement with the governing board of any school district under his

jurisdiction for the education in remedial classes of physically handicapped pupils who are excused from regular classes for a portion of a class period. The cost of the education to the school district shall not exceed the actual cost thereof to the county superintendent of schools.

894.2. Each county superintendent of schools providing for the education of physically handicapped children pursuant to this article shall report annually to the Superintendent of Public Instruction on forms provided by him the total average daily attendance of physically handicapped pupils by types of instruction provided, the cost of educating the pupils, and such other information as may be required, for each elementary and high school district in which the education is provided.

894.3. The Superintendent of Public Instruction shall prescribe the procedures for qualifying for and shall determine the amount of the allowances for special regular day classes and for authorized instruction in other than special regular day classes of physically handicapped minors.

894.4. For purposes of Section 894, the average daily attendance of the elementary schools of the district shall be computed by excluding the average daily attendance of pupils attending the seventh and eighth grades of a junior high school maintained by a high school district.

Article 10. Education of Mentally Retarded

895. (a) The county superintendent of schools shall establish and maintain special training schools or classes for mentally retarded minors who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 901 in the elementary schools of the district and who come within the provisions of Section 6902. The schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. The district shall pay to the county school service fund of the county in which the district is located all costs of the education of the minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of the minors.

Any elementary or unified school district which has an average daily attendance of less than 901 in elementary schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded minors who come within the provisions of Section 6902.

(b) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 6902 and contract with an elementary or unified school district with an average daily attendance of

901 or more in the elementary schools of the district, or with a high school district with an average daily attendance of less than 901, subject to such terms and conditions as may be agreed upon. The contract shall be approved by the county board of education and shall require the district to pay to the county school service fund of the county in which the district is located all costs of the education of the minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors.

Whenever a special training school or class is established under the provisions of this subdivision, the computations prescribed by Sections 17655.5 and 17664 shall not apply.

(c) The county superintendent of schools shall establish and maintain special training schools or classes for mentally retarded minors who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools of the district and in unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the district and who come within the provisions of Section 6903. Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. In an instance where it would be impracticable because of the transportation distances existing to bring a sufficient number of mentally retarded minors, within the meaning of Section 6903, together in one place to form a special training class, the county superintendent of schools upon the annual approval of the Superintendent of Public Instruction may defer compliance with the provisions of this section for the year in question.

Any elementary or unified school district which has an average daily attendance of less than 8,000 in elementary schools of the district and any unified or high school district which has an average daily attendance of less than 8,000 in high schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded minors who come within the provisions of Section 6903.

A county superintendent of schools, required to provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6903, may with the approval of the Superintendent of Public Instruction enter into agreement with an elementary, unified or high school district for the latter to provide for the education of such mentally retarded minors.

(d) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 6903 and contract with an elementary or unified school district with an average daily attendance of

8,000 or more in the elementary schools of the district and in unified or high school districts with an average daily attendance of 8,000 or more in the high schools of the district for the education by the county superintendent of schools of such minors residing in such districts. Whenever a special training school or class is established under the provisions of this subdivision, the foundation program prescribed in Section 17656 for an elementary district with an average daily attendance of 901 or more shall apply for elementary schools, and the foundation program prescribed in Section 17665 shall apply for high schools.

895.1. For purposes of Section 895 the average daily attendance of the elementary schools of the district shall be computed by excluding the average daily attendance of pupils attending the seventh and eighth grades of a junior high school maintained by a high school district.

895.2. In lieu of providing transportation to special training schools or classes maintained by a county superintendent of schools for mentally retarded minors who come within the provisions of Section 6903 and who reside in elementary or unified school districts which have an average daily attendance of less than 8,000, the county superintendent of schools may, with the approval of the county board of education, pay to the parents or guardians of any such mentally retarded minor the cost of food and lodging for the minor at a place convenient to a special training school or class maintained by the county superintendent, by the governing board of a school district within the county, or by a county superintendent of another county.

895.3. Each county superintendent of schools maintaining special training schools or classes for mentally retarded minors pursuant to subdivision (c) of Section 895 may limit the number of minors to be admitted to such schools or classes. Any minor who becomes 21 years of age while in attendance upon a special training school or class shall be permitted to continue to attend thereon for the remainder of the time the school or class is maintained during the then current school year.

895.4. Any county superintendent of schools otherwise required or authorized to maintain special training schools and classes under Section 895 for mentally retarded minors may provide for the education of such minors in, and for the transportation of such minors to, special training schools or classes maintained by a school district under Sections 6901 to 6913, inclusive, or by a county superintendent of schools under this article, subject to such terms and conditions as may be agreed upon. The agreement shall be approved by the county board of education.

895.5. In lieu of entering into an agreement for the transportation of mentally retarded minors by the school district or county superintendent of schools, in the special training schools and classes of which the education of such minors is

provided under Section 6910 or 895.4, the school district or county superintendent of schools of the county required to provide for their education may provide such transportation.

895.6. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisiors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the education of mentally retarded minors who come within the provisions of Section 6902 and for the rental of property and the purchase of equipment by the county superintendent of schools for special training schools and classes for such minors. The amount shall be determined by subtracting from the total cost of the education of such minors, including transportation, to the county superintendent of schools (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 for the education of mentally retarded minors who come within the provisions of Section 6902 and by adding to the result the amount required for rental of property and purchase of equipment.

The county auditor and the county board of supervisors shall determine the tax necessary to produce the amount certified when levied upon the taxable property of all the districts under the jurisdiction of the county superintendent of schools which during the preceding fiscal year had less than 901 units of average daily attendance in the elementary schools of the district and which have not been approved by the county superintendent of schools to maintain such schools or classes. The board of supervisors shall at the time of levying other county taxes levy the tax so determined in each school district which had during the preceding fiscal year less than 901 units of average daily attendance in the elementary schools of the district and which has not been approved by the county superintendent of schools to maintain such schools or classes, except that the tax levied shall not exceed ten cents ($0.10) for each one hundred dollars ($100) of assessed valuation and shall be levied notwithstanding the provisions of Section 20751 or 20803.

The amount received from the tax shall be deposited in the county school service fund.

In the event the amount received from the tax levied is less than the amount certified by the county superintendent of schools the difference shall, with the approval of the Superintendent of Public Instruction, be paid the county superintendent of schools from the county school service fund contingency account pursuant to Section 18353.

895.7. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required

to be raised by a county tax for the education of mentally retarded minors who come within the provisions of Section 6903 and for rental of property and the purchase of equipment by the county superintendent of schools for special training schools or classes for such minors. The amount shall be determined by subtracting from the total cost of the education of such minors, including transportation, to the county superintendent of schools the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of such mentally retarded minors and by adding to the result the amount required for rental of property and the purchase of equipment. The board of supervisors may include in such amount a sum for capital outlay.

The board of supervisors shall, at the time of levying other county taxes, levy an identical rate of tax in all elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools in the district, and all unified or high schoool districts which have an average daily attendance of less than 8,000 in the high schools of the district under the jurisdiction of the county superintendent of schools, and for which approval has not been granted by the county superintendent for the district to establish and maintain such classes for the education of mentally retarded minors who come within the provisions of Section 6903 upon the taxable property in such districts sufficient to produce an amount equal to all costs of the education of such minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors. The amount received from this tax shall be deposited in the county school service fund.

895.8. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the identification and education of physically handicapped minors who come within the provisions of Section 6801 or 6802 and for the rental of property and the purchase of equipment by the county superintendent of schools for the schools or classes for such minors.

The amount shall be determined by subtracting from the total cost of the education of such minors, including transportation, to the county superintendent of schools the total amounts to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of such physically handicapped minors and by adding to the result the amount required for rental of property, the purchase of equipment, and capital outlay.

The board of supervisors shall, at the time of levying other county taxes, levy an identical rate of tax in all elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools in the district, and

all unified or high school districts which have an average daily attendance of less than 8,000 in the high schools under the jurisdiction of the county superintendent of schools, and for which approval has not been granted by the county superintendent for the district to establish and maintain such classes for the education of physically handicapped minors who come within the provisions of Section 6801 or 6802 upon the taxable property in such districts sufficient to produce such amounts. The amount received from this tax shall be deposited in the county school service fund.

The tax shall be levied and collected on a current basis during the fiscal year on the basis of estimates of average daily attendance levels, assessed valuation levels, and the other factors involved. Excess amounts collected in any year may be applied to reduction of the tax in succeeding fiscal years, and the amount to be raised by the tax in any fiscal year may be increased by the amount of deficiency in the tax collected in prior fiscal years.

The Superintendent of Public Instruction shall adopt such rules and regulations as he may deem necessary to the implementation of this section.

895.9. (a) The Superintendent of Public Instruction shall reduce the allowances to county school service funds to be made in a fiscal year under Section 18355 by an amount determined by: (1) multiplying sixty cents ($0.60) by each one hundred dollars ($100) of the total assessed valuation of all the elementary or unified school districts for whom the county superintendent of schools maintains schools or classes in grades kindergarten through eight, inclusive, pursuant to Section 894; (2) dividing the product so derived by the total average daily attendance of pupils included in the foundation program computed for the districts for pupils in grades kindergarten through eight, inclusive, in the elementary or unified school districts for whom the county superintendent of schools maintains schools or classes in grades kindergarten through eight, inclusive, pursuant to Section 894; and (3) multiplying the quotient so derived by the average daily attendance of pupils attending the special schools or classes maintained by the county superintendent of schools in grades kindergarten through eight, inclusive, pursuant to Section 894.

(b) The Superintendent of Public Instruction shall reduce the allowances to county school service funds to be made in a fiscal year under Section 18358 by an amount determined by: (1) multiplying fifty cents ($0.50) by each one hundred dollars ($100) of the total assessed valuation of all the high school or unified school districts for which the county superintendent of schools maintains schools or classes in grades 9 through 12, inclusive, pursuant to Section 894; (2) dividing the product so derived by the total average daily attendance of pupils included in the foundation program computed for the districts for pupils in grades 9 through 12, inclusive, in the high school or unified school districts for whom the county

superintendent of schools maintains schools or classes in grades 9 through 12, inclusive, pursuant to Section 894; and (3) multiplying the quotient so derived by the average daily attendance of pupils attending the special schools or classes maintained by the county superintendent of schools in grades 9 through 12, inclusive, pursuant to Section 894.

895.10. The Superintendent of Public Instruction shall prescribe the procedures for qualifying for and shall determine the amount of the allowances for special regular day classes and for authorized instruction in other than special regular day classes for education of mentally retarded minors.

Article 11. Emergency Schools

896. In order to provide elementary education for children residing in the county, or in order to provide elementary education for children of migratory laborers engaged in seasonal industries within the county, the county superintendent of schools may, with the approval of the county board of education, when funds are not available from other sources and in his judgment it is necessary, do any one or more of the following acts:

(a) Establish and maintain one or more emergency elementary schools for children.

(b) Provide one or more emergency teachers for the regular elementary schools of the districts in the county for the pupils.

(c) Provide transportation for the children to an elementary school.

In lieu of providing transportation of any pupil, the county superintendent of schools may, with the approval of the county board of education, pay to the parents or guardian of the pupil the cost of food and lodging for the pupil at a place convenient to an elementary school. The amount so paid shall not exceed the cost of providing for the transportation of the pupil to and from his home and the school.

The county superintendent of schools may, with the approval of the county board of education, pay the expenses incurred in providing all the facilities and services authorized in this section, including necessary capital outlays, from the county school service fund.

All emergency schools shall be maintained in accordance with standards prescribed by the Superintendent of Public Instruction.

896.1. The county superintendent of schools shall draw requisitions upon the unobligated funds of any suspended school district under his jurisdiction to pay in whole or in part the expenses incurred for the maintenance of emergency schools in the district.

896.2. The county superintendent of schools may, with the approval of the county board of education, insure all real and

personal property constructed, purchased, or otherwise provided by him for emergency schools established by him.

896.3. The county superintendent of schools may, with the approval of the county board of education, transfer or sell the real and personal property of any emergency school maintained by him to any elementary school district under his jurisdiction, or to any other political subdivision of the state within which the school is located, upon such terms and conditions as are agreed upon by the county superintendent of schools, with the approval of the county board of education, and the governing board or authority of the district or other political subdivision. Districts and other political subdivisions may enter into such agreements and acquire such property. Any funds received by the county superintendent of schools under this section shall be paid by him into the county school service fund.

Article 12. Institutes

897. The county superintendent of schools may, with the approval of the county board of education, hold an annual teachers institute in each year as provided in Sections 13361 to 13380, inclusive, of this code.

897.1. The county superintendent of schools may, with the approval of the county board of education, hold an annual institute of noncertificated employees in each year as provided in Sections 13621 and 13622 of this code.

Article 13. Annual Meeting of School Trustees

898. The county superintendent of schools may, with the approval of the county board of education, hold one trustees meeting in each year as follows:

(a) One school trustee of each school district of the county shall attend the meeting and participate in its proceedings but more than one trustee of any district may attend if the board of trustees of that district so directs.

(b) School trustees of each school district shall select the trustee or trustees who shall attend the meeting.

(c) Each trustee selected to attend the meeting shall be allowed his actual traveling expenses for not to exceed one day incurred in going to and returning from the meeting. The expenses shall be verified by the county superintendent of schools.

(d) The county superintendent shall notify each trustee of the county at least 10 days prior to calling of the trustees meeting of the time and place of the meeting.

(e) Each session of the trustees meeting may be called at any hour on the day specified and may continue for such time as those meeting see fit.

(f) The county superintendent shall draw his requisition on the county auditor who shall draw his warrant on the county school service fund to pay the expenses of holding the trustees meeting.

Article 14. Miscellaneous

899. The county superintendent of schools may, with the approval of the county board of education, expend county school service funds for the purpose of administering and accounting for the county school service fund, or he may, with the approval of the county board of education, contract with and pay the board of supervisors for services rendered in administering and accounting for the county school service fund.

899.1. The county superintendent of schools may, with the approval of the county board of education, provide services to school districts in screening and directing teachers to the schools under his jurisdiction.

899.2. The county superintendent of schools may, with the approval of the county board of education, pay actual and necessary travel expenses incurred in connection with curricular and special services by the county superintendent of schools or by his designated staff members in accordance with regulations established by the Superintendent of Public Instruction.

899.3. The county superintendent of schools may, with the approval of the county board of education, employ personnel to conduct research in connection with the activities of the county superintendent of schools, and to develop systems, procedures and methods for applying such research findings to improve the effectiveness of those activities.

899.4. The county superintendent of schools may with the approval of the county board of education provide for the publication of materials that are necessary in connection with the curricular and special services that the superintendent of schools is authorized to perform in the county. The county superintendent of schools may, in accordance with regulations adopted by the county board of education and for educational use, sell or give away the published materials or may exchange them for similar published materials. Unless restricted by the regulations of the county board of education, the sale or gift may be made to, and the exchange may be made with, any person, political subdivision, public officer or agency, or educational institution. The distribution of the published materials in accordance with this section is declared to be a public purpose and in furtherance of Article IX, Section 1, of the Constitution.

899.5. The county superintendent may, if he deems it necessary, order a description of the boundaries of any district under his jurisdiction printed in pamphlet form and pay for the pamphlets out of the county school service fund.

899.6. The county superintendent of schools may, with the approval of the county board of education, provide advisory services in school business administration activities, in maintenance of school building and grounds, and in the processing of special problems concerning credentials as designated by the State Department of Education.

899.7. The county board of education may enter into agreements with the governing boards of any of the school districts under the jurisdiction of the office of the county superintendent of schools for the conduct, under the direction of that office, of centralized inservice training programs for both certificated and classified employees of the school districts and of that office.

Centralized inservice training program operations of the office of the county superintendent of schools shall be financed through the county school service fund, and shall be included in the budget prepared pursuant to Article 16 (commencing with Section 18351) of Chapter 3 of Division 14.

SEC. 8. Section 1018 is added to the Education Code, to read:

1018. The governing board of a district maintaining courses in driver education and automobile driver training may insure against any liability arising out of the use of motor vehicles in connection with such courses. The cost of such insurance shall be paid from available school district funds.

SEC. 9. Article 10 (commencing with Section 1085) is added to Chapter 3 of Division 4 of Part 1 of the Education Code, to read:

Article 10. Powers of Exemption and Exclusion

1085. The governing board of a school district may prescribe regulations determining who can profit by and who shall receive instruction in automobile driver training; provided, however, that no pupil shall be permitted to enroll in automobile driver training unless such pupil is presently enrolled in a course of instruction in automobile driver education, or has satisfactorily completed such course. The regulations shall be subject to such standards for driver education and driver training as may be prescribed by the State Board of Education.

No pupil under the age of 15 years and 6 months, nor over 18 years of age shall receive automobile driver training.

1086. Pupils, with the written consent of their parents or guardians, may be excused from school in order to participate in religious exercises or to receive moral and religious instruction at their respective places of worship or at other suitable place or places away from school property designated by the religious group, church, or denomination, which shall be in addition and supplementary to the instruction in manners and morals required elsewhere in this code. Such absence shall not be deemed absence in computing average daily attendance, if all of the following conditions are complied with:

(a) The governing board of the district of attendance, in its discretion, shall first adopt a resolution permitting pupils to be absent from school for such exercises or instruction.

(b) The governing board shall adopt regulations governing the attendance of pupils at such exercises or instruction and the reporting thereof.

(c) Each pupil so excused shall attend school at least the minimum school day for his grade for elementary schools, and as provided by the relevant provisions of the rules and regulations of the State Board of Education for secondary schools.

(d) No pupil shall be excused from school for such purpose on more than four days per school-month.

It is hereby declared to be the intent of the Legislature that this section shall be permissive only.

SEC. 10. Section 5016 is added to the Education Code, to read:

5016. Except as otherwise provided, the courses of study for the day elementary schools in districts maintaining junior high schools shall embrace six years of instruction, and in districts in which junior high schools are not maintained, the courses of study shall embrace eight years of instruction. Courses shall allot six or eight years, respectively, for instruction in subjects required to be taught in such schools and may allot not more than two years for kindergarten instruction.

The course of study for any day elementary school located in an elementary school district situated in a high school district maintaining one or more junior high schools, where the districts are governed by boards of identical personnel, shall embrace six years or eight years at the discretion of the governing board of the elementary school district.

The courses of study for the day elementary schools of a unified school district maintaining one or more junior high schools shall embrace six years or eight years, or some of the elementary schools may be maintained for six years and some may be maintained for eight years. The courses of study for any day elementary school located in an elementary school district situated in a union or joint union high school district maintaining one or more junior high schools shall be six years or eight years at the discretion of the governing board of the elementary school district if such high school district did not maintain a junior high school prior to July 1, 1943, and if such elementary school is located 40 miles or more by the nearest traveled road from any junior high school maintained by such high school district.

In all other cases, the courses of study of any elementary school shall embrace eight years.

Each day elementary school may allot not more than two years kindergarten instruction.

SEC. 11. Section 5017 is added to the Education Code, to read:

5017. Notwithstanding anything in Section 5016 to the contrary, an elementary school district otherwise authorized to maintain a course of study for the day elementary schools of the district embracing only six years of instruction which during the school years 1943–1944 and 1944–1945 maintained a course of study for the day elementary schools of the district embracing eight years of instruction is authorized to maintain

a course of study for such schools embracing six years of instruction or eight years of instruction at the discretion of the governing board of the district.

SEC. 12. Section 5018 is added to the Education Code, to read:

5018. Notwithstanding anything in Section 5016 to the contrary, an elementary school district otherwise authorized to maintain a course of study for the day elementary schools of the district embracing only six years of instruction which during the school years 1953–1954 and 1954–1955 maintained a course of study for the day elementary schools of the district embracing seven or eight years of instruction is hereby authorized to enter into an agreement with the governing board of the high school district maintaining junior high schools in the district, subject to the approval of the county superintendent of schools having jurisdiction, stipulating the terms upon which the elementary school district shall educate pupils of the seventh or eighth grades, or both, of the junior high school.

Any contract entered into pursuant to this section does not in any manner change the legal status of any high school district authorized to maintain seventh and eighth grades, and the authorization and obligation of such high school district to furnish school buildings for such seventh and eighth grade pupils is and shall continue to be a sole responsibility of such district.

Contracts entered into pursuant to this section may be for a term of not to exceed five consecutive school years.

SEC. 13. Section 5711 is added to the Education Code, to read:

5711. The governing board of any school district maintaining an adult school shall prescribe the requirements for the granting of diplomas.

SEC. 14. Section 5712 is added to the Education Code, to read:

5712. The governing board of each district maintaining an adult school and offering an elementary program shall prescribe requirements for eighth grade graduation from the adult school.

SEC. 15. Section 5719 is added to the Education Code, to read:

5719. No state funds shall be apportioned to any districts on account of the attendance of students enrolled in adult schools unless the courses have been approved by the State Department of Education.

SEC. 16. Section 5720 is added to the Education Code, to read:

5720. The governing board of any school district maintaining an adult school shall have authority with the approval of the State Department of Education to establish a prescribed course in elementary subjects appropriate to needs of adults.

SEC. 17. Chapter 5.8 (commencing with Section 5770) is added to Division 6 of Part 2 of the Education Code, to read:

CHAPTER 5.8. SPECIAL ELEMENTARY SCHOOL READING INSTRUCTION PROGRAM

Article 1. General Provisions

5770. This chapter may be cited as the Miller-Unruh Basic Reading Act of 1965.

5771. It is the intent and purpose of the Legislature that the elementary school reading instruction program provided for by this chapter shall be directed to the prevention of reading disabilities, and the correction of reading disabilities at the earliest possible time in the educational career of the pupil. The instruction program shall be provided in grades 1, 2, and 3 in the elementary schools.

It is the further intent of the Legislature that the reading program in the public schools be of high quality, and that the program be designed to permit early development of reading skills, and the early correction of reading disabilities. The Legislature recognizes that early development of reading ability enhances the opportunity of each pupil for success in school and for success in a career upon leaving school. The Legislature further recognizes that to achieve its intent and purpose it will be necessary to provide means to employ teachers trained in the teaching of reading, to provide incentives to encourage such training, and to stimulate the establishment and maintenance of school libraries. To carry out its intent and purpose, the Legislature has enacted this chapter to provide salary payments for specialist teachers in reading, scholarships to encourage the development of skills in the teaching of reading, and salary payments for the employment of professional librarians in school districts. It is also the intent of the Legislature that the provisions of this chapter shall be administered to provide funds and services first to those school districts and to the schools in such districts where the need for reading instruction is greatest and the financial ability of the district to provide it is least. This program is voluntary and any school district may participate or may decline to participate. If a district participates, it shall participate fully with respect to those schools in the district in which the program is established.

5771.1. 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 5781 and 5782, 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 certificated employees to be appointed specialist teachers as computed under the provisions of Sections 5781 and 5782.

(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 Sections 5781 and 5782.

5772. The State Board of Education shall have the power to adopt and promulgate all rules and regulations necessary to the effective administration of this chapter, including but not necessarily limited to those specifically required to be adopted by particular provisions of this chapter.

5773. As used in this chapter:

(a) "Specialist teacher" shall mean a person holding a certificate of specialist teacher in reading, issued by the Department of Education, and employed by a school district for the duties listed in Section 5787.

(b) "Average daily attendance" shall, except as otherwise specifically provided, mean average daily attendance during the preceding fiscal year.

5774. The governing board of any school district is authorized to accept the provisions of any act of Congress under which federal funds are available for purposes of this chapter, and may participate in any program provided thereunder in order to accept and expend such federal funds pursuant to such act of Congress and this chapter. Participation may include the expenditure by the school district of whatever funds may be required by the federal government as a condition to such participation.

Article 2. Nomination and Designation of Specialist Teacher in Reading

5775. The governing board of any school district maintaining grades 1, 2, and 3 in elementary schools may, in writing, nominate to the Department of Education qualified certificated employees of the district for the position of specialist teacher. The nominations shall be based upon the observed performance of the teacher in instructing elementary school pupils to read, and the written nominations to the department shall so attest.

Any certificated employee of a school district who has not been so nominated may, in writing, petition the Department

of Education to be appointed a specialist teacher. Thereupon, the department shall appoint a panel of three persons, selected on the basis of criteria established by rules and regulations of the State Board of Education, who shall observe the performance of the employee in the classroom, and either nominate the employee for the position of specialist teacher or deny such nomination.

5776. Each certificated employee nominated for the position of specialist teacher shall be notified of the time and place at which a written examination will be held to determine whether such employee is qualified for appointment as a specialist teacher.

5777. The State Board of Education shall designate a written examination to be administered by the Department of Education to each person nominated for the position of specialist teacher. The examination shall be one designed to test the knowledge of the nominee concerning the various approaches and techniques which have been determined by competent authority to be most effective in imparting reading instruction to young school pupils, and concerning the appropriate selection of various techniques to meet the requirements of different pupils. Such an examination shall be administered on a statewide basis at least once in each school year. For such purposes the State Board of Education may select an examination prepared by any competent public or private person, organization, or agency.

5778. Certificated school district employees nominated pursuant to Section 5775, who are determined by the department to have passed the examination prescribed by Section 5777, shall forthwith be granted certificates entitling them to accept employment as specialist teachers in reading.

Article 3. Testing and Program Evaluation

5779. Commencing with the school years 1965–66, the State Board of Education shall require that uniform tests to determine achievement of basic reading fundamentals and skills shall be administered to all pupils who are completing the first and second grades. The State Board of Education shall adopt rules and regulations governing the time, place and methods for administration of the testing program.

Uniform tests for each grade shall be recommended by the Department of Education and shall be submitted to the State Board of Education for approval and adoption no later than January 31, 1966. Any test so adopted shall be in national use and nationwide norms shall have been developed for such test. The tests which have been approved and adopted by the board shall be printed or purchased, and distributed to the various school districts in the state by the Department of Education.

Pupils who have been determined to be mentally retarded or educationally handicapped, as defined in this code, shall be

exempted from the testing requirement imposed by this chapter.

The testing program imposed by this chapter shall be used exclusively for the purposes herein set forth, and no test scores or results shall be employed to rank school districts according to their test results in any publication, other than a publication which may be made necessary in order to effectively administer this chapter.

The tests administered pursuant to this article shall be employed to determine each school district's quota of specialist reading teachers, as required by Article 4 (commencing with Section 5781) of this chapter.

5779.1. The governing board of each school district, in conducting a testing program in the district pursuant to Section 5779 shall be allowed to conduct achievement reading tests at school district expense printed in the Initial Teaching Alphabet for those pupils who are accustomed to learning in that alphabet in lieu of the uniform tests prescribed by Section 5779.

5780. Commencing with the school year 1966–67, and in each year thereafter, a standardized reading achievement test, which shall be adopted by the State Board of Education and distributed to the various school districts, shall be administered to all third-grade pupils completing the third grade.

The scores of those pupils who have participated in a remedial program shall be maintained and treated separately.

From a study of the results of these tests in districts which conduct a basic reading program pursuant to this chapter, and the test results in districts which do not conduct such a program, the Superintendent of Public Instruction shall evaluate the basic reading program provided by this chapter, and he shall report his findings annually to the State Board of Education.

The State Board of Education shall report its findings regarding the implementation of, and experience under, the basic reading program provided by this chapter, together with any recommendations for any adjustments in the program, to the Legislature at each regular session.

Article 4. Employment of Specialist Teachers

5781. 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.

5782. For the 1966–67 school year, for any school district in which thirty percent (30%) or more of the first grade pupils received scores falling below the first quartile of scores of the publishers national norm, the basic quota established pursuant to Section 5781 shall be increased by one specialist teacher for each 300 units of average daily attendance in grades 1, 2, and 3, and fractional part thereof, maintained by the district.

For the 1966–67 school year, for any school district in which forty percent (40%) or more of the first grade pupils received scores falling below the first quartile of scores of the publishers national norm, the basic quota established pursuant to Section 5781 shall be increased as ordered by the Department of Education following an investigation of the circumstances of the district.

For the 1967–68 school year and school years thereafter, for any school district in which thirty percent (30%) or more of the first grade pupils received scores falling below the first quartile of scores established on a statewide basis for the reading section of the reading achievement test given during the preceding school year pursuant to Article 3 (commencing with Section 5779) of this chapter, the basic quota established pursuant to Section 5781 shall be increased by one specialist teacher for each 300 units of average daily attendance in grades 1, 2, and 3, and fractional part thereof, maintained by the district.

For the 1967–68 school year and school years thereafter any school district in which forty percent (40%) or more of the first grade pupils received scores falling below the first quartile of scores established on a statewide basis for the reading section of the statewide achievement test given during the preceding school year pursuant to Chapter 9 (commencing with Section 12820) of Division 9, the basic quota established pursuant to Section 5781 shall be increased as ordered by the Department of Education following an investigation of the circumstances of the district.

5783. Each school district maintaining grades 1, 2, and 3 may employ specialist teachers in number not to exceed one hundred ten percent (110%) of the basic quota established for the district pursuant to Sections 5781 and 5782.

5784. Persons serving in the employ of school districts as specialist teachers under this chapter shall be considered as classroom teachers for purposes of all laws dealing with permanent status of certificated employees in the employment of school districts.

Such a specialist teacher employed by a school district may elect to serve for a period of not to exceed two consecutive school years in the employ of other school districts as a specialist teacher, in which case the district of the teacher's regular employment shall afford him a leave of absence for such period, and the teacher shall retain all personnel rights accumulated by him in the employ of such district of regular employment. Such employment with another district shall be pursuant to a written contract for a term of one school year, which contract may be renewed for an additional school year.

A person appointed to the position of specialist teacher and actually employed in such position by the governing board of a school district under this chapter shall not engage in supplementary nonschool employment during the regular academic year established in the district.

5785. A specialist teacher employed by a school district with an average daily attendance in grades 1, 2, and 3 of less than 50, shall serve under the direction of the county superintendent of schools.

5786. The governing board of a school district employing specialist teachers may employ qualified teachers who shall serve under the direction of the specialist teachers in instructing pupils in reading.

5787. Specialist teachers employed by a school district shall be relieved of all regular teaching and administrative responsibilities and shall devote their full time in performance of the following responsibilities, which shall be directed to training pupils to attain reading ability essential to success in studies to be undertaken beyond the grade 3 level:

(a) Supplementing the reading instruction otherwise provided in regular classes for all pupils in grade 1.

(b) Providing instruction to small groups of pupils, and to individual pupils, in grades 2 and 3 who have been determined to have reading disabilities.

(c) Administering reading tests to be given pupils in grades 1, 2, and 3 under Article 3 (commencing with Section 5779) of this chapter. For such purposes, the specialist teachers shall examine the tests given and grade and analyze the results with respect to each pupil.

5788. The annual salary of a specialist teacher, employed as such by a school district for a school year, shall be increased by two hundred fifty dollars ($250) over that otherwise payable to him under his regular contract of employment with the district in which he is regularly employed.

Such sum shall be paid by the school district in a lump sum payment to the specialist reading teacher, no later than June 30 of each fiscal year, and the warrant on which the payment is made shall clearly identify the purpose for which the payment is being made with words to the effect of: "Special Stipend for State Basic Reading Program" appearing on the face of the warrant Partial lump-sum payments for specialist

reading teachers employed for a portion of the school year shall be paid no later than 30 days after the specialist teacher leaves the employ of the district.

Article 5. Allowances for Specialist Teachers in Reading

5789. Beginning with the 1966–67 fiscal year and each fiscal year thereafter, a school district which maintains grades 1, 2, and 3, may apply for an allowance for the employment of 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.

5790. Pursuant to its authority under Section 5772, the State Board of Education shall adopt, by rules and regulations, minimum standards of course content for basic reading programs authorized by this chapter, and criteria to be used by the Superintendent of Public Instruction in approving district applications for funds pursuant to Section 5789. No allowance for a special reading program shall be made to a school district unless the Superintendent of Public Instruction approves the district application and certifies that the minimum standards and criteria of the State Board of Education are met by the district.

The superintendent shall not disapprove any application on the basis of the methodology of providing basic reading instruction pursuant to this chapter which the school district has selected.

5791. Allowances under this article 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 and upon order of the Superintendent of Public Instruction the State Controller shall draw his warrants upon the money appropriated, in favor of the eligible districts in the amounts ordered.

5792. Allowances under this article 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 5771. 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 (a) the relative financial ability of each applicant district as measured by the assessed valuation per unit of average daily attendance in the district, and (b) the relative need of the district for specialist teachers in reading as measured by the percentage of pupils in grades 1 through 8, inclusive, tested in the statewide testing program during the preceding year in the district or in the school where the specialist teacher will be employed, that scored below the 25th percentile. 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.

5792.1. 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 5781, 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.

5793. 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 5793.1 and the amounts computed as salary allotments for professional school librarians.

5793.1. 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.

Article 6. Scholarship Grants for Teachers of Reading

5794. Any regularly credentialed teacher in grades 1, 2, or 3 may, pursuant to this article apply for a scholarship grant for teachers of reading. Each scholarship grant shall be in the amount of two hundred fifty dollars ($250).

5795. Scholarship grants shall be made by the State Board of Education upon recommendation of the Superintendent of Public Instruction in accordance with rules and regulations adopted by the State Board of Education. The scholarship grants may be used to meet expenses of the grantee attending any regular session or summer session conducted by an institution accredited for teacher training purposes by the State Board of Education and enrolling for credit in courses designed to improve the teaching of reading that have been approved by the State Board of Education.

5796. The number of scholarship grants awarded by the State Board of Education in the 1966-67 fiscal year shall not

exceed the number of specialist teachers in reading for whom allowances were provided during that year to school districts pursuant to Section 5793. In the 1967–68 fiscal year, the number of scholarship grants awarded shall not exceed one-half of the number of specialist teachers in reading for whom allowances were provided during that year. In the 1968–69 fiscal year and each fiscal year thereafter, the number of scholarship grants awarded shall not exceed one-fourth of the number of specialist teachers in reading for whom allowances were provided during each of such respective fiscal years.

5797. Scholarship grants awarded shall be paid from the amounts appropriated by the Legislature for the purposes of this chapter.

Article 7. Salary Allotment for Professional School Librarians

5798. 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. 17.5. Chapter 5.9 (commencing with Section 5799) is added to Division 6 of Part 2 of the Education Code, to read:

CHAPTER 5.9. MATHEMATICS IMPROVEMENT PROGRAMS

Article 1. General Provisions

5799. 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.

5799.1. 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.

5799.2. 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.

5799.3. 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.

5799.4. 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

5799.11. 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.

5799.12. 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 in-

clude, 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.

5799.13. 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.

5799.14. 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.

5799.15. 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.

5799.16. 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.

5799.17. 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 sev-

eral school districts in which the same are established, and shall designate and provide the tests to be administered to pupils.

5799.18. 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.

5799.19. 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.

5799.20. 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.

5799.21. 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.

5799.22. 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.

5799.23. 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.

5799.24. 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.

5799.25. 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.

5799.26. 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

5799.41. 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.

5799.42. 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.

5799.43. 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.

5799.44. 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 5799. 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.

5799.45. 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.

5799.46. 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.

5799.47. 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.

5799.48. 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 5799.11) of this chapter shall be received and utilized for such purposes.

5799.49. 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. 18. Article 2.5 (commencing with Section 5820) is added to Chapter 6 of Division 6 of Part 2 of the Education Code, to read:

Article 2.5. Conservation and Training Program

5820. The county superintendent of schools, with the approval of the county board of education, or the county superintendents of two or more counties, jointly may contract with the United States, the State of California, any city, county, city and county or any combination thereof for the joint operation and maintenance of programs in youth conservation and training or for assistance in their operation and maintenance.

5821. Whenever the county superintendent of schools enters into a contract authorized by Section 5820 he may employ youths who reside in the county to help in carrying out the terms of the contract. The county superintendent of schools may seek the advice of the governing boards of districts maintaining high schools in the county to select youth to be employed.

5822. The county superintendent of schools may with the approval of the county board of education provide the coordination services authorized by Section 885.3 in connection with meeting the requirements of a contract.

5823. The county superintendent is authorized to perform any function necessary in meeting the requirements of a contract and shall pay for the performance of such functions from funds paid by the agency with whom he contracts, or from funds contributed under law by other individuals or agencies.

5824. Funds received by a county superintendent of schools under a contract entered into pursuant to Section 5820 or contributed to the purposes of this article shall be deposited in the county school service fund of the county. The payment for performance of necessary functions under such a contract shall be paid from the county school service fund of the county.

SEC. 19. Article 4.5 (commencing with Section 5971) is added to Chapter 6 of Division 6 of Part 2 of the Education Code, to read:

Article 4.5. Instruction by Correspondence

5971. The governing board of a district maintaining one or more secondary schools may, subject to such rules and regulations as may be prescribed by the State Board of Education and upon the authorization of the Superintendent of Public Instruction, provide pupils enrolled in the regular day schools of the district with instruction by correspondence provided by the University of California, or other university or college in California accredited for teacher training under this code, in subjects included within or related to the course of study offered in the school and which for good reason cannot be taken by the pupil, and pay the cost thereof. Such instruction when provided for a pupil must be a part of the program of study approved for such pupil.

5972. Notwithstanding anything in Section 5971 to the contrary, the governing board of any school district may, subject to such rules and regulations as may be prescribed by the State Board of Education and upon the authorization of the Superintendent of Public Instruction, provide veterans enrolled in schools or classes of the district with instruction by correspondence, provided by any university or college referred to in Section 5971 or by any other university, college, school, institution or organization approved by the Superintendent of Public Instruction in subjects which may be necessary to adjust the veteran to an occupation and which, for good reason, cannot be given by the school, and pay for the cost thereof.

SEC. 20. Article 5 (commencing with Section 5981) is added to Chapter 6 of Division 6 of Part 2 of the Education Code, to read:

Article 5. Military Science and Tactics

5981. The governing board of any school district maintaining a secondary school may establish in the school courses in military science and tactics complying with the laws of the United States made and provided with reference to Reserve Officers Training Corps units in educational institutions.

No student enrolled in any such school shall be required to enroll in any course in military science and tactics.

SEC. 21. Article 5.5 (commencing with Section 5985) is added to Chapter 6 of Division 6 of Part 2 of the Education Code, to read:

Article 5.5. Work Experience Education

5985. The governing board of any district maintaining a high school or junior college may:

(a) Provide for the instruction of pupils in the skills, attitudes, and understandings necessary to success in employment by means of courses of work experience education as provided in this article.

(b) Provide for guidance and supervision procedures designed to insure maximum educational benefit to students from placement in suitable work experience education courses.

(c) Provide for arranging, approving, coordinating, and awarding credit for work experience education courses, and for those purposes employ instructors, coordinators, and other necessary personnel.

5986. The State Board of Education shall establish standards for work experience education, including but not limited to, the following:

(a) Selection and approval of work stations.

(b) Supervision of pupils.

(c) Credit allowable for work experiences.

(d) Guidance procedures related to work experience education.

5987. The Department of Education shall adopt such rules and regulations as are necessary to implement the standards set by the State Board of Education, so as to maintain the educational purpose and character of work experience education.

5988. All laws or rules applicable to minors in employment relationships are applicable to students enrolled in work experience education courses.

5989. Work experience education as authorized by this article includes the employment of pupils in part-time jobs selected or approved as having educational value for the students employed therein and coordinated by school employees.

5990. Work experience education involving apprenticeable occupations shall be consistent with the purposes of Chapter 4 (commencing with Section 3070), Division 3 of the Labor Code and with standards established by the California Apprenticeship Council.

5991. The governing board of any school district which maintains one or more high schools or junior colleges may provide for the establishment and supervision of work experience education programs in contiguous areas outside the district.

5992. Notwithstanding any provisions of this code or the Labor Code to the contrary, the school district under whose supervision work experience education is provided shall be considered the employer under Division 4 (commencing with Section 3201) of the Labor Code of persons receiving such training unless such persons during such training are being paid a cash wage or salary by a private employer, or unless the person or firm under whom such persons are receiving work experience elects to provide workmen's compensation insurance.

SEC. 22. Article 5.8 (commencing with Section 6001) is added to Chapter 6 of Division 6 of Part 2 of the Education Code, to read:

Article 5.8. Aviation Education

6001. The Department of Education shall aid and assist local school districts in the development and conduct of a program of aviation education. The Division of Aeronautics may aid and assist in the selection of airports and pilots used by the local school districts in flight indoctrination and instruction.

6002. The governing board of each district is encouraged to develop aims and purposes of aviation education designed to include: (a) integration of appropriate aviation concepts throughout the elementary school with units of instruction in science, social studies, and arithmetic; (b) aviation experiences in junior high schools in the areas of social studies, science, and arithmetic; and (c) elective courses in senior high schools and four-year high schools including air transportation, vocational training, economic, social and political implications of aviation, the science of flight, history of aviation, and flight experience where appropriate airports, planes, and pilots are available, and the need for such instruction is indicated. Periodic reports shall be made to the Division of Aeronautics concerning the flight indoctrination and instruction program.

6003. The Division of Aeronautics is authorized to make available to public schools offering actual flight experience as part of the regular curriculum a basic insurance program and to assure that adequate supervision and precautionary measures are taken by the flight school operators contracted to provide services for public school students. The governing board of any school district offering actual flight experience as part of the regular curriculum may participate in the basic insurance program provided by the commission and pay from the funds of the district a pro rata share of the cost of the insurance program.

SEC. 23. Article 6 (commencing with Section 6011) is added to Chapter 6 of Division 6 of Part 2 of the Education Code, to read:

Article 6. Outdoor Science, Conservation, and Forestry

6011. The governing board of any school district may:

(a) Conduct programs and classes in outdoor science education and conservation education within or without the boundaries of the school district and for that purpose employ instructors, supervisors, and other personnel and provide necessary equipment and supplies.

(b) Acquire and maintain real or personal property needed for outdoor science education and conservation education programs and classes either within or without the boundaries of the school district either by purchase, rental, lease, gift, or

other means in the same manner as if the property were within the boundaries of the school district.

(c) Contract with the United States, the State of California, any city, county, city and county or school district therein, or any combination thereof for the joint operation and maintenance of such programs and classes in outdoor science education and conservation education or for assistance in their operation and maintenance.

(d) Transport or arrange transportation of pupils, instructors, supervisors or other personnel to or from places where such programs and classes are being conducted, whether within or without the district; provided, such transportation is within the state and not in excess of a radius of 180 miles from the school or schools of the district.

6012. The governing board of any school district may:

(a) Conduct courses in forestry, and for that purpose employ instructors and supervisors of classes, and acquire necessary equipment.

(b) Acquire forest lands outside the boundary of the district by lease for a period not exceeding five years, or purchase or sell such lands in the same manner as lands within the boundary of the district are purchased or sold.

(c) Afforest and reforest, and plant trees, shrubs, and vines on such lands; or upon any public lands which may be placed at its disposal, and enter into contracts and agreements with the government of the United States, the state, or any political subdivision thereof for such purpose.

(d) Transport pupils, instructors, or supervisors of classes to or from classes or places where such work is being done, whether within or without the district, in the same manner and subject to the same limitations as in transporting pupils to and from school.

6013. The county superintendent of schools may, with the approval of the county board of education, enter into agreements with the governing board of one or more school districts to provide programs and classes in outdoor science education and conservation education for pupils in the district. Except as otherwise provided in this article, the agreement shall provide for the payment by the district of the actual cost of providing such programs or classes. The county superintendent of schools shall transfer from the funds of the district to the county school service fund the amounts set forth in the agreement.

6014. The school district or districts entering into such agreements with the county superintendent of schools may agree to make capital outlay expenditures, as well as pay for the other costs of the program. Title to all property acquired by such capital outlay expenditures shall be vested in the office of the county superintendent of schools, and the participating school districts shall have no interest in such property, nor in the proceeds of any sale, lease, exchange, or other disposition of such property, unless the parties otherwise pro-

vide in the agreement which authorizes the acquisition of such property.

6015. Except as otherwise provided, all of the powers and duties authorized for governing boards of school districts by Section 6011 are powers and duties of the county superintendent of schools whenever, pursuant to this article, he provides programs and classes in outdoor science education and conservation education.

6016. The county superintendent of schools may, with the approval of the county board of education, acquire by gift and maintain real or personal property needed for such programs and classes with title thereto vested in the office of the county superintendent of schools. The school districts participating in such programs and classes shall not be required to reimburse the county superintendent of schools for use of real and personal property which is acquired by gift.

6017. The county superintendent of schools may, with the approval of the county board of education, provide the coordination services authorized by Section 885.3 in connection with programs and classes in outdoor science education and conservation education and the participating districts shall not be required to reimburse the county superintendent for the cost of such coordination services.

6018. Any such agreement between the county superintendent of schools and school districts may provide for the purchase or lease of any real property necessary to conduct classes in outdoor science education and conservation education. If real property is purchased pursuant to such an agreement, title to such real property shall be vested in the office of the county superintendent of schools and the participating school districts shall have no interest in such property, nor in the proceeds of any sale, lease, exchange, or other disposition of such property, unless the parties otherwise provide in the agreement which authorizes the acquisition of such property.

6019. The county superintendent of schools may, with the approval of the county board of education, lease any real or personal property for the purpose of care, teaching and training of physically handicapped or mentally retarded children at such time as the property is not required for outdoor science education and conservation education, upon such terms and conditions as are agreed upon.

6020. The county superintendent of schools may, with the approval of the county board of education, convey any real property, title to which is vested in the office of the county superintendent of schools, to the United States of America in exchange for other real property of comparable value, upon such terms and conditions as are agreed upon.

6021. The county superintendent of schools may, with the approval of the county board of education, sell, lease, exchange, or otherwise dispose of real or personal property, title to which is vested in his office, pursuant to the same proce-

dures as are established by law for the sale, lease, exchange, or other disposition of real or personal property by a school district. Unless otherwise provided in the agreement which authorized the purchase of such real or personal property, the proceeds of any such sale, lease, exchange, or other disposition of real or personal property shall be vested in the office of the county superintendent of schools.

6022. All proceeds from the sale, lease, exchange, or other disposition of real or personal property received by the county superintendent of schools pursuant to the provisions of this article shall be used for the purpose of acquiring other real or personal property for use in connection with programs and classes in outdoor science education and conservation education or to pay the cost of conducting such programs and classes. The school districts participating in such programs and classes shall not be required to reimburse the county superintendent of schools for use of the real or personal property acquired with such funds nor shall they be required to reimburse the county superintendent of schools for any of the costs of conducting such programs and classes which are paid by the county superintendent of schools out of such funds.

6023. If during a period of five consecutive school years, no programs and classes in outdoor science education and conservation education are conducted by the county superintendent of schools pursuant to this article, all real and personal property, title to which is vested in the county superintendent of schools, and all proceeds from the sale, lease, exchange, or other disposition of such real and personal property, shall become part of the county school service fund and may be used for any purpose authorized by the laws applicable to the fund, unless the parties otherwise provide in the agreement which authorizes the acquisition of such property.

SEC. 24. Article 6.2 (commencing with Section 6031) is added to Chapter 6 of Division 6 of Part 2 of the Education Code, to read:

Article 6.2. Prevocational Education Programs

6031. It is the intent and purpose of the Legislature by the enactment of this chapter to curtail the growing rate of pupil dropouts or premature enrollment terminations in the public elementary and secondary schools, by authorizing special emphasis to be given prevocational training courses of study for the benefit of vocationally oriented pupils who are potential school dropouts, have demonstrated aptitudes for prevocational training, and who voluntarily elect to undertake a concentration of educational effort in prevocational training and whose parents or guardian consents to such training.

6032. The county superintendent or the governing board of any school district, as the case may be, maintaining any of grades 7, 8, and 9, may, upon application to, and approval by,

the Superintendent of Public Instruction, establish a program having the following essential elements:

(a) Identification, by appraisal and recommendation of teachers and other school authorities, aptitude tests, and such other tests and means as may be authorized by the State Board of Education, of pupils whose academic attainment level and behavior as school pupils indicate that in all probability they will terminate public school enrollment prior to completion of grade 12, but who demonstrate aptitude for one or more types of prevocational training afforded in the schools of the district.

(b) Prevocational courses of study arranged and conducted in such a manner as will permit pupils to concentrate educational effort in those courses of study pursuant to this chapter.

(c) Counseling and guidance procedures which will effectuate the purposes of this chapter.

The county superintendent shall have primary authority to establish the program within his county. Should he fail, for any reason, to establish or initiate action for the establishment of a program after receiving a written request therefor from the governing board of a school district, the governing board shall have full authority to establish a program.

6033. Notwithstanding any provisions of this division or any other provisions of law prescribing, on a mandatory basis, courses of study to be taught in grades 7, 8, and 9 to the contrary, the State Board of Education is authorized and directed to prescribe, by rule and regulation, the particular courses of study otherwise required by law to be afforded pupils in such grades which shall be waived or dispensed with in the case of pupils enrolled in programs under this chapter. The otherwise mandatory courses of study to be so waived or dispensed with shall be those of lower essentiality in connection with instilling in pupils the traits and attributes necessary for good citizenship, as determined by the board.

6034. Any pupil coming within the provisions of subdivision (a) of Section 6032 shall, as a matter of free personal choice, and with the consent of the pupil's parent or guardian, without duress or coercion, be authorized to elect to enroll in prevocational courses for which such pupil possesses demonstrated aptitudes, as follows:

(a) In grade 7, one such course of study in each semester of the school year.

(b) In grade 8, two such courses of study in each semester of the school year, provided that the pupil successfully completed any course of study in which enrolled under subdivision (a) during the preceding school year.

(c) In grade 9, three such courses of study in each semester of the school year, provided that the pupil successfully completed any course of study in which enrolled under subdivision (b) during the preceding school year.

6035. It shall be unlawful, for the governing board of a school district, a county board of education, a county superin-

tendent of schools, or any officer or employee whatever of the public school system, to willfully:

(a) Cause, or aid or abet in the forced or coerced enrollment of a public school pupil in any prevocational course of study as a disciplinary measure, whether pursuant to this chapter or otherwise.

(b) Cause, or aid or abet in effecting any distinction in the form, appearance, or content of any diploma issued upon graduation from elementary school or high school based on a pupil's having enrolled in a program under this chapter as distinguished from the regular educational programs of the district involved.

6036. The State Board of Education shall adopt rules and regulations prescribing the particular procedures, tests, and other methods to be utilized in identifying pupils who come within the provisions of subdivision (a) of Section 6032, and prescribing all other necessary standards and policies to govern the administration of programs established under this chapter.

The Superintendent of Public Instruction shall administer the provisions of this chapter, and shall adopt all necessary rules and regulations for those purposes. He shall have the power of initial and continuing review and approval of any programs established pursuant to this chapter and the power to deny or revoke approval of such programs. He may require the submission of such reports and other data as he may deem necessary for purposes of carrying out his duties under this chapter.

SEC. 25. Section 6307 is added to the Education Code, to read:

6307. (a) Subject to regulations which the State Board of Education shall prescribe, the governing board of any school district maintaining a four-year high school or senior high school may, for any person included in subdivision (b), evaluate classes completed in any high school, junior college, or state college; grant credit toward graduation for military service and training received while in the military service of the United States, and if satisfied that such person has completed the equivalent of the requirements for graduation from high school, grant him a diploma of graduation.

(b) Persons who may be granted a diploma pursuant to subdivision (a) are:

(1) A veteran who is a resident of this state.

(2) A former member of the armed forces who is such a resident and who has received other than a dishonorable discharge.

(3) A member of the armed forces who is, and on the date he entered the armed forces was, such a resident.

SEC. 26. Section 6308 is added to the Education Code, to read:

6308. A veteran who entered the military service of the United States while a student in the 12th grade of a high

school and who at the time of his entrance into such military service had satisfactorily completed the first half of the work required for the 12th grade shall be granted a diploma of graduation from such high school.

SEC. 27. Section 6309 is added to the Education Code, to read:

6309. "Veteran" as used in Sections 6307 and 6308 means a person who has served 90 days or more in the military service of the United States during a war with a foreign power or during any national emergency declared by the President of the United States and who has been honorably discharged from such service.

SEC. 28. Section 6904.2 is added to the Education Code, to read:

6904.2. The county superintendent of schools of a county with more than 25,000 pupils in average daily attendance, and in which at least 50 percent of the mentally retarded pupils in the county are enrolled in classes conducted by the county superintendent, shall employ at least one full-time certificated person to coordinate activities involved in the preparation, adoption, revision, use and enforcement of a course of study for mentally retarded pupils in special schools and classes conducted by the county superintendent and by school districts in which the county course of study is required to be used. The minimum professional requirement for employment in such position shall be the holding of a regular teaching credential with authorization to teach the mentally retarded.

A county board of education of a county with 25,000 or less pupils in average daily attendance or the governing board of any school district with an average daily attendance of more than 8,000 may cooperate with a county superintendent of schools of 25,000 or more pupils in average daily attendance in the development of a course of study for mentally retarded pupils educated by them.

SEC. 29. Chapter 13.5 (commencing with Section 7411) is added to Division 6 of Part 2 of the Education Code, to read:

CHAPTER 13.5. REGIONAL EDUCATIONAL DATA PROCESSING CENTERS

7411. The governing board of a school district and a county superintendent of schools may establish and maintain educational data processing centers. Such centers that meet the requirements of Section 7415 for eligible regional educational data processing centers are entitled to financial assistance from the state for the purpose of such centers as provided herein.

7412. A regional educational data processing center may consist of any of the following:

(a) One educational data processing center maintained by the governing board of any school district having an average daily attendance of 100,000 or more pupils.

(b) One educational data processing center maintained by the county superintendent of schools that provides data processing services to two or more school districts, within or without the county, having a combined average daily attendance of not less than 100,000 nor more than 300,000 pupils.

7413. The governing board of any school district may contract with any county superintendent of schools for the rendering to the schools of the district of data processing services and may pay for the services out of any funds of the district.

7414. The functions of regional educational data processing centers shall include the processing and reporting of information relating, among other things, to programs of instruction, school business administration, and pupil personnel data.

7415. An eligible regional educational data processing center is one that meets the following requirements:

(a) It possesses equipment, personnel and funds sufficient, as determined by regulations of the State Board of Education, to convert and correlate basic source material into data processing form by use of a basic data system.

(b) It is a regional education data processing center as defined in Section 7412.

(c) It meets the minimum standards established by the State Board of Education.

7416. The State Board of Education shall adopt rules and regulations necessary to implement the provisions of this chapter, including rules and regulations that:

(a) Establish minimum standards entitling regional educational data processing centers to receive an allowance under this chapter.

(b) Prescribe the procedure by which applications for allowance pursuant to this chapter shall be governed.

7417. The Superintendent of Public Instruction, upon proper application therefor made by a school district or county superintendent of schools maintaining an eligible regional educational data processing center, shall allow to the applicant the amount specified in this section appropriate to the fiscal year for which the application is made.

(a) The amount of an allowance for which application may be made shall not exceed thirty thousand dollars ($30,000) for the first, twenty thousand dollars ($20,000) for the second and ten thousand dollars ($10,000) for the third, fiscal year for which an allowance is sought.

(b) An allowance shall be made for each of any three fiscal years for which a proper application is made by a school district or county superintendent of schools maintaining an eligible regional educational data processing center.

(c) A school district or county superintendent of schools shall not receive more than one allowance in any fiscal year nor more than three such allowances altogether.

(d) A new application shall precede such allowance.

7418. The Superintendent of Public Instruction shall make the allowances to school districts and county superintendents of schools pursuant to Section 7417 from any funds which may be provided for such purposes under any program established by or under authority of federal law.

SEC. 30. Division 7 (commencing with Section 7501) of Part 2 of the Education Code is repealed.

SEC. 31. Division 7 (commencing with Section 7501) is added to Part 2 of the Education Code, to read:

DIVISION 7. EDUCATIONAL PROGRAM

CHAPTER 1. GENERAL PROVISIONS

Article 1. Statement of Legislative Intent

7501. It is the intent and purpose of the Legislature in enacting this division to provide for the development, conduct, and enforcement of educational programs in the elementary and secondary schools.

7502. The Legislature hereby recognizes that, because of the common needs and interests of the citizens of this state and the nation, there is a need to establish a common state curriculum for the public schools, but that, because of economic, geographic, physical, political and social diversity, there is a need for the development of educational programs at the local level, with the guidance of competent and experienced educators and citizens. Therefore, it is the intent of the Legislature to set broad minimum standards and guidelines for educational programs, and to encourage local districts to develop programs that will best fit the needs and interests of the pupils.

Article 2. Definitions

7551. Unless the context otherwise requires, the definitions set forth in this article govern the construction of this division.

7552. "Educational program" means the entire school-sponsored offering for pupils of a district, including in-class and out-of-class activities.

7553. "Common state curriculum" means the basic curriculum which is prescribed by the proper authority for all elementary schools, or all secondary schools, or all elementary and secondary schools.

7554. "Curriculum" means the courses of study, courses, subjects, classes and organized group activities provided by a school.

7555. "Course of study" means the planned content of a series of classes, courses, subjects, studies, or related activities.

7556. "Course" means an instructional unit of an area or field of organized knowledge, usually provided on a semester, year, or prescribed length-of-time basis.

7557. "Class" means an organized group of pupils within a school who are pursuing a particular course, subject or activity.

7558. "Governing board" means that board of education or governing board of any county, city and county, city, or district which has the duty to prescribe the course of study for the schools of the county, city and county, city, or district.

7559. "State board" means the State Board of Education.

7560. As used in this division, "secondary schools" does not include junior colleges.

Chapter 2. Development and Enforcement of Educational Programs

Article 1. Roles and Responsibilities of Local Agencies in the Development of Educational Programs

8001. The governing board of every school district shall prepare and file with the county superintendent of schools and shall keep on file for public inspection the courses of study prescribed for the schools under its jurisdiction.

8002. The governing board of every school district shall evaluate its educational program, and shall make such revisions as it deems necessary. Any revised educational program shall conform to the requirements of this division.

Article 2. Enforcement of Courses of Study

8051. The governing board of every school district shall enforce in its schools the courses of study and the use of textbooks and other instructional materials prescribed and adopted by the proper authority.

8052. The governing board of any school district with more than 8,000 pupils in average daily attendance shall prescribe and enforce in the schools a course of study for mentally retarded pupils as defined in Sections 6902 and 6903 of this code.

8053. Each county board of education shall prescribe and enforce a county course of study for mentally retarded pupils as defined in Sections 6902 and 6903 of this code. Such county course of study shall be used in special education programs for mentally retarded pupils conducted by the county superintendent of schools and in school districts with an average daily attendance of 8,000 or less.

8054. The course of study for preschool, kindergarten, grades 1 through 6, and grades 7 and 8 of those elementary districts maintaining grades 7 and 8, shall be prescribed and enforced by the governing board in districts having a city board of education or by the county board of education for districts not having a city board of education.

8055. Except as provided in Section 8054, the course of study for grades 7 through 12 shall be prepared under the

direction of the governing board having control thereof and shall be subject to approval as may be required by the state board.

8056. Courses for continuation high schools shall be prepared under the direction of the governing board having control thereof. Insofar as possible courses shall meet the high school requirements set forth in Sections 8571 and 8572 of this code.

8057. A course of study for each adult school shall be prepared under the direction of the governing board of the district maintaining the adult school and shall be subject to approval of the State Department of Education.

CHAPTER 3. REQUIRED COURSES OF STUDY

Article 1. General Provisions

8501. Except as otherwise provided, the provisions contained in this chapter are the requirements for courses of study in grades 1 through 12.

8502. In addition to the course of study requirements set forth in this chapter, the governing board of any school district may include in the curriculum of any school such additional courses of study, courses, subjects, or activities which it deems fit the needs of the pupils enrolled therein.

8503. The adopted course of study shall provide instruction at the appropriate elementary and secondary grade levels and subject areas in personal and public safety and accident prevention; fire prevention; the protection and conservation of resources; and health, including the effects of alcohol, narcotics, drugs, and tobacco upon the human body.

8504. Instruction upon the nature of alcohol, narcotics, restricted dangerous drugs as defined in Section 11901 of the Health and Safety Code, and other dangerous substances and their effects upon the human system as determined by science shall be included in the curriculum of all elementary and secondary schools. The governing board of the district shall adopt regulations specifying the grade or grades and the course or courses in which such instruction with respect to alcohol, narcotics, restricted dangerous drugs as defined in Section 11901 of the Health and Safety Code, and other dangerous substances shall be included. All persons responsible for the preparation or enforcement of courses of study shall provide for instruction on the subjects of alcohol, narcotics, restricted dangerous drugs as defined in Section 11901 of the Health and Safety Code, and other dangerous substances.

8505. Any course of study adopted pursuant to this division shall be designed to fit the needs of the pupils for which the course of study is prescribed.

Article 2. Course of Study for Grades 1 Through 6

8551. The adopted course of study for grades 1 through 6 shall include instruction, beginning in grade 1 and continuing through grade 6, in the following areas of study:

(a) English, including knowledge of, and appreciation for literature and the language, as well as the skills of speaking, reading, listening, spelling, handwriting, and composition.

(b) Mathematics, including concepts, operational skills, and problem solving.

(c) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of California and the United States of America; man's relations to his human and natural environment; eastern and western cultures and civilizations; and contemporary issues.

(d) Science, including the biological and physical aspects, with emphasis on the processes of experimental inquiry.

(e) Fine arts, including instruction in the subjects of art and music, aimed at the development of aesthetic appreciation and the skills of creative expression.

(f) Health, including instruction in the principles and practices of individual, family, and community health.

(g) Physical education, with emphasis upon such physical activities for the pupils as may be conducive to health and vigor of body and mind, for a total period of time of not less than 200 minutes each 10 schooldays, exclusive of recesses and the lunch period.

(h) Such other studies as may be prescribed by the governing board.

8552. It is the intent and purpose of the Legislature to encourage the establishment of programs of instruction in foreign language, with instruction beginning as early as feasible for each school district.

Article 3. Course of Study for Grades 7 Through 12

8571. The adopted course of study for grades 7 through 12 shall offer courses in the following areas of study:

(a) English, including knowledge of and appreciation for literature, language, and composition, and the skills of reading, listening, and speaking.

(b) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of California and the United States of America; man's relations to his human and natural environment; eastern and western cultures and civilizations; and contemporary issues.

(c) Foreign language or languages, beginning not later than grade 7, designed to develop a facility for understanding, speaking, reading, and writing the particular language.

(d) Physical education, with emphasis given to such physical activities as may be conducive to health and to vigor of body and mind.

(e) Science, including the physical and biological aspects, with emphasis on basic concepts, theories, and processes of scientific investigation, and with appropriate applications of the interrelation and interdependence of the sciences.

(f) Mathematics, including instruction designed to develop mathematical understandings, operational skills, and insight into problem solving procedures.

(g) Fine arts, including art, music, or drama, with emphasis upon development of aesthetic appreciation and the skills of creative expression.

(h) Applied arts, including instruction in the areas of home economics, industrial arts, business education, or agriculture, for general education or prevocational or occupational training.

(i) Automobile driver education, designed to develop a knowledge of the provisions of the Vehicle Code and other laws of this state relating to the operation of motor vehicles, a proper acceptance of personal responsibility in traffic, a true appreciation of the causes, seriousness and consequences of traffic accidents, and to develop the knowledge and attitudes necessary for the safe operation of motor vehicles.

(j) Such other studies as may be prescribed by the governing board.

8572. All pupils, except pupils excused, shall be required to attend upon the courses of physical education for a total period of time of not less than 400 minutes each 10 schooldays.

8573. No pupil shall receive a diploma of graduation from grade 12 who has not completed the course of study and met the standards of proficiency prescribed by the governing board. Requirements for graduation shall include:

(a) English.

(b) American history.

(c) American government.

(d) Mathematics.

(e) Science.

(f) Physical education, unless the pupil has been exempted pursuant to the provisions of this code.

(g) Such other courses as may be prescribed.

8574. The governing board of any school district maintaining a high school shall adopt minimum academic standards for graduation from the high schools within its school district. Such minimum academic standards shall include separate courses of study including, but not limited to, a course of study designed to prepare prospective students for admission to state colleges and the state university and for vocational training. Such standards shall be made available to the public.

8575. The State Board of Education shall prepare, and distribute to each school district maintaining a high school for its consideration, model minimum academic standards for graduation as required by Section 8574 of this code.

Article 4. Exemptions from Course of Study Requirements

8701. Whenever any part of the instruction in "health" conflicts with the religious beliefs of the parent or guardian of any pupil, the pupil, on written request of the parent or guardian, may be excused from the part of the training which conflicts with such religious beliefs.

8702. The governing board of each district may grant temporary exemption from courses in physical education to pupils who are ill or injured where a modified program to meet the needs of the pupils cannot be provided, and to pupils while enrolled for one-half, or less, of the work normally required of full-time students. Permanent exemption may be granted a pupil who has reached his 21st birthday, or a pupil who is enrolled as a postgraduate student.

8703. The governing board of a school district may exempt any four-year or senior high school pupil from attending courses of physical education, if the pupil is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours.

8704. Notwithstanding any provision of Section 8571 or of any other statute, during the period July 1, 1965, to June 30, 1970, the state board may, on an annual basis, exempt any school district or any particular school maintained by a school district from the requirement of providing a course in a foreign language in grade 7 or 8, or any combination of such grades. This exemption may be granted only upon written application supported by evidence satisfactory to the state board that the providing of such instruction would impose an unreasonable burden on the district.

8705. Credit shall be given for purposes of the course of study requirements prescribed by school district governing boards or other authorities having jurisdiction for grades 9 through 14, inclusive, to courses in foreign languages in private schools on the basis of their being at least equivalent to those which would be required for the student in a foreign language class in the same grade level in the public schools. The State Board of Education shall adopt rules and regulations prescribing standards and conditions pursuant to which credit shall be given for those purposes to students in the public schools who have successfully completed foreign language studies in private schools.

8706. The provisions of Section 8705 giving credit for foreign language courses given in private schools shall apply to courses in the following languages: Chinese, French, German, Greek (classical and modern), Hebrew (classical and modern), Italian, Japanese, Jewish, Latin, Spanish, and Russian, and

such other languages as the State Board of Education shall designate.

8707. For purposes of the credit which may be given pursuant to Sections 8705 and 8706 for foreign language courses undertaken in private schools, it shal not be required that instructors in the private schools be regularly credentialed teachers.

CHAPTER 4. PROHIBITED INSTRUCTION

Article 1. Reflection Upon Citizens Because of Race, Color, Creed, National Origin or Ancestry

9001. No teacher shall give instruction nor shall a school district sponsor any activity which reflects adversely upon persons because of their race, color, creed, national origin or ancestry.

9002. No textbook, or other instructional materials shall be adopted by the state board or by any governing board for use in the public schools which contains any matter reflecting adversely upon persons because of their race, color, creed, national origin or ancestry.

Article 2. Prohibited Materials of Instruction

9011. Except as to textbooks approved by the state board or a county board of education, no bulletin, circular, or publication may be used as the basis of study or recitation or to supplement the regular school studies if the material contained in the bulletin, circular, or publication has been disapproved by the governing board of the school district in which the school is situated.

9012. No publication of a sectarian, partisan, or denominational character, shall be distributed, displayed, or used for sectarian, partisan, or denominational purposes on school premises, but such publications may be used in school library collections and for legitimate instructional purposes.

9013. No bulletin, circular, publication, or article of any character, whose purpose is to spread propaganda, shall be distributed or displayed to anyone, or suffered to be distributed or displayed to anyone, for propaganda purposes on the school premises during school hours or within one hour before the time of opening or within one hour after the time of closing of the school, but such bulletin, circular, publication, or article may be used in school library collections and for legitimate instructional purposes.

During school hours or within one hour before the time of opening or within one hour after the time of closing of the school, no bulletin, circular, publication, or article of any character, the purpose of which is to foster membership in or subscriptions to the funds of any organization not directly under the control of the school authorities, shall be distributed

or displayed to anyone or suffered to be distributed or displayed to anyone on the school premises unless the organization is a nonpartisan organization, the purpose of such distribution or display is a nonpartisan purpose, and such distribution or display has been approved by the state board, or by the county board of education, or by the governing board of the school district in which the school is located.

The prohibition of this section shall not apply to bulletins or circulars concerning the meetings of organizations issued by any parent-teacher association or by any organization of parents formed for the purpose of cooperating with the school authorities in improving school conditions in the district.

9014. Nothing in this code shall be construed to prevent, or exclude from the public schools, references to religion or references to or the use of religious literature, art, or music or other things having a religious significance when such references or uses do not constitute instruction in religious principles or aid to any religious sect, church, creed, or sectarian purpose and when such references or uses are incidental to or illustrative of matters properly included in the course of study.

Article 3. Prohibited Solicitation of Pupils for Funds, Membership, and the Like

9021. During school hours, and within one hour before the time of opening and within one hour after the time of closing of school, pupils of the public school shall not be solicited on school premises by teachers or others to subscribe or contribute to the funds of, to become members of, or to work for, any organization not directly under the control of the school authorities.

Article 4. Advocacy or Teaching of Communism

9031. No teacher giving instruction in any school, or on any property belonging to any agencies included in the public school system, shall advocate or teach communism with the intent to indoctrinate or to inculcate in the mind of any pupil a preference for communism.

In prohibiting the advocacy or teaching of communism with the intent of indoctrinating or inculcating a preference in the mind of any pupil for such doctrine, the Legislature does not intend to prevent the teaching of the facts about communism. Rather, the Legislature intends to prevent the advocacy of, or inculcation and indoctrination into, communism as is hereinafter defined, for the purpose of undermining patriotism for, and the belief in, the government of the United States and of this state.

For the purposes of this section, communism is a political theory that the presently existing form of government of the United States or of this state should be changed, by force, violence, or other unconstitutional means, to a totalitarian

dictatorship which is based on the principles of communism as expounded by Marx, Lenin, and Stalin.

SEC. 31.5. Section 13556.5 is added to the Education Code, to read:

13556.5. Each teacher shall endeavor to impress upon the minds of the pupils the principles of morality, truth, justice, patriotism, and a true comprehension of the rights, duties, and dignity of American citizenship, including kindness toward domestic pets and the humane treatment of living creatures, to teach them to avoid idleness, profanity, and falsehood, and to instruct them in manners and morals and the principles of a free government.

SEC. 32. Section 18251.1 is added to the Education Code, to read:

18251.1. The governing board of each school district shall report annually to the county superintendent of schools and to the Superintendent of Public Instruction on forms provided by the Superintendent of Public Instruction, the cost of instructing such pupils, and such other information as may be required for the computation of the excess cost incurred in the instruction of the pupils in automobile driver training.

SEC. 33. Section 18251.2 is added to the Education Code, 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. 34. Section 18251.3 is added to the Education Code, to read:

18251.3. The Superintendent of Public Instruction shall determine the amount of excess cost incurred by each school district during the preceding fiscal year for the establishment and maintenance of automobile driver training for pupils enrolled in the schools of the district in accordance with such regulations as he may prescribe.

"Excess cost," as used in this section, includes the total current expenditures incurred for instructing pupils in automobile driver training in special classes, including, but not limited to, automobile replacement, insurance, upkeep and maintenance of automobiles used in such training.

"Special classes," as used in this section, includes classes providing automobile driver training for pupils who may be excused, for the purpose of taking instruction in automobile driver training.

SEC. 34.5. 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. 34.6. 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. 35. Section 25520 is added to the Education Code, to read:

25520. All pupils enrolled in the junior colleges, except pupils excused, shall be required to attend upon the courses of physical education for a minimum of 120 minutes per week. Where adequate facilities are available a daily program is recommended.

SEC. 36. Section 818.7 is added to the Government Code, to read:

818.7. No board, commission, or any public officer or employee of the state or of any district, county, city and county, or city is liable for any damage or injury to any person resulting from the publication of any reports, records, prints, or photographs of or concerning any person convicted of violation of any law relating to the use, sale, or possession of nar-

cotics, when such publication is to school authorities for use in instruction on the subject of narcotics or to any person when used for the purpose of general education; provided, however, that the name of any person concerning whom any such reports, records, prints, or photographs are used shall be kept confidential and every reasonable effort shall be made to maintain as confidential any information which may tend to identify such person.

SEC. 36.5. This act may be known as the George Miller Jr. Education Act of 1968.

SEC. 37. The provisions of this act, insofar as they are the same or substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

CHAPTER 183

An act to add Section 13700.5 to the Welfare and Institutions Code, relating to public assistance, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 24, 1968. Filed with Secretary of State May 24, 1968.]

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

SECTION 1. Section 13700.5 is added to the Welfare and Institutions Code, to read:

13700.5. Notwithstanding the provisions of Section 13700, the maximum average grant provided in Section 13700 shall be increased by two dollars and twenty-five cents ($2.25) for the fiscal year ending June 30, 1968, and by four dollars and seventy-five cents ($4.75) for the fiscal year ending June 30, 1969. This section shall cease to be effective on June 30, 1969, unless an earlier date is specified by the 1968 Legislature in the enactment of legislation concerning nonmedical out-of-home care pursuant to the 1967 amendments of the Social Security Act or by the enactment of more favorable financing arrangements for providing or purchasing attendant care or other essential home care services whereby recipients under this chapter are kept in their home in lieu of out-of-home placement.

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:

Application of the provisions of Section 13700 will require an immediate reduction of the standard of care afforded recipients of aid to disabled, the most deprived and helpless group of adult public assistance recipients in the state. Moreover,

curtailment in the amount of monthly payments will adversely affect the return of persons in state hospitals to community life with consequent increase in cost to the state.

Recent federal legislation makes possible enactment of alternate provisions concerning disabled persons with ultimate cost savings to the state for Medi-Cal and attendant care for public assistance recipients. The enactment of appropriate alternate provisions will require study of new federal laws and regulations. The interim provisions of this act will give the Legislature time for essential deliberation and at the same time protect the health, safety, and well-being of recipients who would otherwise be adversely affected.

CHAPTER 184

An act to amend Section 16 of the Yolo County Flood Control and Water Conservation District Act (Chapter 1657 of the Statutes of 1951), relating to the Yolo County Flood Control and Water Conservation District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 24, 1968. Filed with Secretary of State May 24, 1968.]

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

SECTION 1. Section 16 of the Yolo County Flood Control and Water Conservation District Act (Ch. 1657 of the Statutes of 1951) is amended to read:

Sec. 16. After the adoption of said report and estimate of the amount of money required to be raised and after the determination of the zones into which the district is divided and the percentages or amounts of the sum to be raised for the payment of the principal and interest of the bonds from each of such zones, the board shall call a special election and submit the following proposition to the qualified voters of those zones of said district in which any portion of the sum for payment of the bonds is to be raised:

Shall such zones of the district incur a bonded indebtedness for the purpose of providing for the control and disposition of flood and storm waters of said district and to protect from damage from such storm and flood waters, the waterways, property, public highways, and public places in said district, and for any other purpose set forth in Section 3 hereof?

The resolution calling the special election shall state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor and shall fix the maximum rate of interest to be paid on said indebtedness which shall not exceed 6 percent per annum, and shall fix the date on which the special election

shall be held and the manner of voting for and against the incurring of such indebtedness.

For the purpose of said election, the board shall, in its resolution, establish election precincts within the boundaries of such zones of said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts.

In all particulars not recited in such resolution, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

At such election all persons whose names appear on the last great register of County of Yolo as residing within such zones of the district shall be entitled to vote, except as hereinafter otherwise provided.

Such resolution calling such election shall be published once a day for at least seven days, in some newspaper published at least six days a week in said district, or once a week for two weeks in some newspaper published less than six days a week in such district, and one insertion each week for two succeeding weeks shall be sufficient publication in such newspaper published less than six days a week. No further notice of such election need be given.

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds.

If at such election two-thirds or more of the votes are cast in favor of the incurring of such bonded indebtedness, then the bonds of such zones of said district, for the amounts stated in such proceedings, shall be issued and sold as provided in this act.

Additional bonded indebtedness may be authorized and the bonds issued, sold, and paid for, and the proceeds used, as provided in this act for original bonded indebtedness, and all other provisions of this act relating to bonds shall apply to additional bonded indebtedness.

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

The Yolo County Flood Control Water Conservation District has an urgent need for flood control and water conservation and is planning the construction of the Indian Valley Project on the North Fork of Cache Creek for such purposes. The district is proposing to finance construction of said project in part by a loan and grant from the federal government and in part by the sale of general obligations bonds and proposes to have an election on the authorization of a general obligation bond issue as soon as possible. In order to simplify

and clarify the district act respecting the propositions to be voted upon at such an election and to enable such an election to be held at the earliest possible date, it is necessary that this act go into immediate effect.

CHAPTER 185

An act to add Section 3100.8 to the Education Code, relating to school district organization.

[Approved by Governor May 24, 1968. Filed with Secretary of State May 24, 1968.]

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

SECTION 1. Section 3100.8 is added to the Education Code, to read:

3100.8. Any unified school district that became unified by operation of law as a result of the enactment of the provisions of Article 1 (commencing with Section 2701) of Chapter 7 of this division shall be deemed to be properly and adequately organized in all respects for purposes of Sections 17671 and 17672.

CHAPTER 186

An act to add Section 20014.9 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor May 28, 1968. Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Section 20014.9 is added to the Government Code, to read:

20014.9. Warden or forestry members in warden or forestry service on the operative date of this section, as added at the 1968 Regular Session of the Legislature, who did not elect either to be included in the federal system or to be subject to Section 20014.6 of this code at the times heretofore prescribed for such elections, shall have the right to elect to be subject to Section 20014.6. The board shall prescribe the time for the exercise of such elections, which shall be no later than March 30, 1969. Any change in contribution rate resulting from an election under this section shall apply with respect to all compensation for warden or forestry service rendered on and after January 1, 1962. The board shall prescribe the time and manner of payment by a member of any additional contribution required by reason of such change in rate for services prior to the operative date of this section.

SEC. 2. This act shall become operative on the first day of the month following the month in which it is effective.

CHAPTER 187

An act to amend Section 12817 of the Agricultural Code, relating to economic poisons, to take effect immediately, tax levy.

[Approved by Governor May 28, 1968. Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Section 12817 of the Agricultural Code is amended to read:

12817. Every license and registration expires on December 31st of each year and may be renewed after application in the manner which is provided for registration and licensing.

SEC. 2. Notwithstanding Section 12817 of the Agricultural Code, licenses and registration issued pursuant to Section 12811 and Section 12815 of the Agricultural Code during the period of July 1, 1967, to June 30, 1968, shall expire on June 30, 1968, and, if renewed, shall be renewed for a period to expire on December 31, 1969, for a fee which is 50 percent greater than that stated in Sections 12812 and 12813 of the Agricultural Code. The penalties provided by Section 12818 of the Agricultural Code shall be based on the fees stated in Sections 12812 and 12813 of the Agricultural Code.

Licenses and registrations, other than renewals, issued during the period July 1, 1968, to December 31, 1968, shall be issued to expire on December 31, 1969, for a fee which is 50 percent greater than that stated in Sections 12812 and 12813.

SEC. 3. That portion of the fee collected pursuant to Section 2 of this act which is 50 percent greater than that stated in Sections 12812 and 12813 of the Agricultural Code shall not be available for expenditure until appropriated by the Legislature.

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

CHAPTER 188

An act to amend Sections 2030, 2033, and 2034 of the Code of Civil Procedure, relating to discovery in civil cases.

[Approved by Governor May 28, 1968. Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Section 2030 of the Code of Civil Procedure is amended to read:

2030. (a) Any party may file and serve upon any adverse party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association, or body politic, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may be served upon any adverse party at any time after service of the summons or the appearance of such adverse party and without leave of court, except that, if service of interrogatories is made by the plaintiff within 10 days after such service of summons or appearance, leave of court granted with or without notice must first be obtained. The interrogatories shall be answered separately and fully in writing under oath. The answers shall be signed by the person making them; and the party upon whom the interrogatories have been served shall file and serve a copy of the answers on the party submitting the interrogatories within 20 days after the service of the interrogatories, unless the court, on motion and notice and for good cause shown, enlarges or shortens the time. For good cause and without notice, the court may enlarge the time not to exceed 15 days. Said answers shall respond to the written interrogatories; or, if any interrogatory be deemed objectionable, the objections thereto may be stated by the party addressed in lieu of response. If the party who has submitted the interrogatories deems that further response is required, he may move the court for an order requiring further response. Such motion must be upon notice given within 20 days from date of service of the answers or objections unless the court, on motion and notice, and for good cause shown, enlarges the time. Otherwise, the party submitting the interrogatories shall be deemed to have waived the right to compel answer pursuant to this section. Solely for their information, copies of all interrogatories and of all answers thereto shall be served upon all other parties to the action who have appeared; but the court on motion with or without notice may waive this requirement if the court determines that enforcement thereof would be unduly expensive, oppressive or burdensome.

(b) Interrogatories may relate to any matters which can be inquired into under subdivision (b) of Section 2016 of this code, and the answers may be used to the same extent as

provided in subdivision (d) of Section 2016 of this code for the use of the deposition of a party. Interrogatories may be served after a deposition has been taken, and a deposition may be sought after interrogatories have been answered, but the court, on motion of the deponent or the party interrogated, may make such protective order as justice may require. The number of interrogatories or of sets of interrogatories to be served is not limited except as above provided and except as justice requires to protect the party from annoyance, expense, embarrassment or oppression. The provisions of subdivision (b) of Section 2019 of this code are applicable for the protection of the party from whom answers to interrogatories are sought under this section.

(c) When in order to answer an interrogatory it is necessary to make a compilation, abstract, audit or summary of the business records of a party, and such a compilation, abstract, audit or summary does not exist, or if it does exist, it is not in the possession or under control of such party, it shall be a sufficient answer to such interrogatory to so state and to specify the records from which the answer may be derived or ascertained and to afford to the party by whom the interrogatory was proposed reasonable opportunity to examine, audit or inspect such records and to make copies thereof or compilations, abstracts or summaries therefrom.

(d) Service of interrogatories under this section may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010) of this code.

SEC. 2. Section 2033 of the Code of Civil Procedure is amended to read:

2033. (a) After service of summons or the appearance of a party, any other party who has appeared in the action may file and serve upon such party who has been served or who has appeared a written request for the admission by the latter of the genuineness of any relevant documents described in the request or of the truth of any relevant matters of fact set forth in the request. If a plaintiff desires to serve a request within 10 days after such service of summons or appearance, leave of court, granted with or without notice, must be obtained. Copies of the documents shall be served with the request unless copies have already been furnished, and upon request the originals shall be made available for inspection. Each of the matters of which an admission is requested shall be deemed admitted unless, within a period designated in the request, not less than 20 days after service thereof or within such shorter or longer time as the court may allow on motion and notice, the party to whom the request is directed files and serves upon the party requesting the admission either (1) a sworn statement denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully admit or deny those mat-

ters or (2) written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part, together with a notice of hearing the objections at the earliest practicable time. For good cause and without notice, the court may enlarge the time not to exceed 15 days. If written objections to a part of the request are made, the remainder of the request shall be answered within the period designated in the request. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party deny only a part or a qualification of a matter of which an admission is requested, he shall specify so much of it as is true and deny only the remainder. The number of requests for admissions or of sets of requests for admissions to be served is not limited except as justice requires to protect the party from annoyance, expense, embarrassment or oppression. The provisions of subdivision (b) of Section 2019 of this code are applicable for the protection of the party from whom admissions are requested under this section.

(b) Any admission made by a party pursuant to such request is for the purpose of the pending action only and neither constitutes an admission by him for any other purpose nor may be used against him in any other action.

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

SEC. 3. Section 2034 of the Code of Civil Procedure is amended to read:

2034. (a) If a party or other deponent refuses to answer any question propounded upon examination during the taking of a deposition, or refuses to produce at a deposition any books, documents or other things under his control pursuant to a subpoena duces tecum, the examination shall be completed on other matters or adjourned, as the proponent of the question may prefer. Such proponent, on notice to all persons affected thereby, may move the court in which the action is pending (if the deponent is a party or otherwise subject to the jurisdiction of such court), or if such court does not have jurisdiction over the deponent, to the superior court of the county in which the deposition is taken for an order compelling an answer or if good cause is shown, the production of such book, document, or other thing. Such motion may also be made, without further notice, if the proponent notifies the refusing party or other deponent at the time of such refusal that the proponent will apply to the court for an order pursuant to this subdivision of this section, at a specified time not less than 10 nor more than 30 days from the date of such refusal, in which event the officer before whom the deposition is taken shall direct the refusing party or other deponent to attend a session of said court at said time. Not less than five days prior

to the hearing on any such motion, the proponent must lodge with the court the original transcript of such deposition. Upon the refusal of a party to answer any interrogatory submitted under Section 2030 of this code, the proponent of the question may on like notice make like application for such an order. Upon the refusal of a party to admit or deny the genuineness of any documents or the truth of any matters of fact, after having been served with a request under Section 2033 of this code, the party serving such request may on like notice make like application for an order requiring further answers to such request or, in the alternative, for an order that the genuineness of said documents or the truth of said matters of fact be deemed admitted for the purpose of the action. If the motion is granted and if the court finds that the refusal was without substantial justification the court may require the refusing party or deponent and the party or attorney advising the refusal or either of them to pay to the examining party the amount of the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees. If the motion is denied and if the court finds that the motion was made without substantial justification, the court may require the examining party or the attorney advising the motion or both of them to pay to the refusing party or witness the amount of the reasonable expenses incurred in opposing the motion including reasonable attorney's fees.

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

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

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

(ii) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing in evidence designated documents

or things or items of testimony, or from introducing evidence of the physical or mental or blood condition of the person sought to be examined;

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

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

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

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

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

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

CHAPTER 189

An act to amend Section 14427 of the Elections Code, relating to defaced ballots, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 28, 1968 Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Section 14427 of the Elections Code is amended to read:

14427. If a voter spoils or defaces a ballot, he shall at once return it to the ballot clerk and receive another. A voter shall not receive more than a total of three ballots, including his original ballot, in this manner.

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

A direct primary election will occur on June 4, 1968, and the Legislature desires this act to be applicable to that election so as not to prohibit a person who defaces his ballot from exercising his franchise.

CHAPTER 190

An act to repeal Chapter 8 (commencing with Section 12801) of Division 5 of the Business and Professions Code, relating to terminal weighing.

[Approved by Governor May 28, 1968. Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Chapter 8 (commencing with Section 12801) of Division 5 of the Business and Professions Code is repealed.

CHAPTER 191

An act to repeal Section 17567.5 of the Business and Professions Code as added by Chapter 906 of the Statutes of 1967, relating to motel rate signs.

[Approved by Governor May 28, 1968 Filed with Secretary of State May 28, 1968]

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

SECTION 1. Section 17567.5 of the Business and Professions Code as added by Chapter 906 of the Statutes of 1967 is repealed.

The repeal made by this section shall not affect the existence or validity of Section 17567.5 of the Business and Professions Code as added by Chapter 741 of the Statutes of 1967.

CHAPTER 192

An act to add Section 24011 to the Vehicle Code, relating to vehicle equipment.

[Approved by Governor May 28, 1968 Filed with Secretary of State May 28, 1968]

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

SECTION 1. Section 24011 is added to the Vehicle Code, to read:

24011. Whenever a federal motor vehicle safety standard is established under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C., Sec. 1381, et seq.) no dealer shall sell or offer for sale a vehicle to which the standard is applicable, and no person shall sell or offer for sale for use upon a vehicle an item of equipment to which the standard is applicable, unless:

(a) Such vehicle or equipment conforms to the applicable federal standard.

(b) The vehicle or equipment bears thereon a certification by the manufacturer or distributor that it complies with the applicable federal standards. The certification may be in the form of a symbol prescribed in the federal standards or, if there is no federal symbol, by a symbol acceptable to the department.

CHAPTER 193

An act to add Chapter 2.6 (commencing with Section 731) to Part 1 of Division 2 of the Civil Code, relating to principal and income, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 28, 1968. Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Chapter 2.6 (commencing with Section 731) is added to Part 1 of Division 2 of the Civil Code, to read:

CHAPTER 2.6. LEGAL ESTATES PRINCIPAL AND INCOME LAW

731. This chapter may be cited as the Legal Estates Principal and Income Law.

731.01. Nothing in this chapter shall affect the provisions of the Personal Income Tax Law and the Bank and Corporation Tax Law.

731.02. This chapter shall apply to all transactions by which a principal was established without the interposition of a trust on or after September 13, 1941, or is hereafter so established. Transactions by which a principal is held in trust are governed by Chapter 2.5 (commencing with Section 730) Part 1 of Division 2.

731.03. (a) "Principal" as used in this chapter means any realty or personalty which has been so set aside or limited by the owner thereof or a person thereto legally empowered that it and any substitutions for it are eventually to be conveyed, delivered, or paid to a person, while the return therefrom or use thereof or any part of such return or use is in the meantime to be taken or received by or held for accumulation for the same or another person;

(b) "Income" as used in this chapter means the return derived from principal;

(c) "Tenant" as used in this chapter means the person to whom income is presently or currently payable, or for whom it is accumulated or who is entitled to the beneficial use of the principal presently and for a time prior to its distribution;

(d) "Remainderman" as used in this chapter means the person ultimately entitled to the principal, whether named or designated by the terms of the transaction by which the principal was established or determined by operation of law.

731.04. This chapter shall govern the ascertainment of income and principal and the apportionment of receipts and expenses between tenants and remaindermen in all cases where a principal has been established without the interposition of a trust, except that in the establishment of the principal, provision may be made touching all matters covered by this chapter, and the person establishing the principal may himself

direct the manner of ascertainment of income and principal and the apportionment of receipts and expenses or grant discretion to the tenant or other person to do so, and such provision and direction, where not otherwise contrary to law shall control notwithstanding this chapter. The exercise by the tenant or other designated person, of such discretionary power if in good faith and according to his best judgment, shall be conclusive, irrespective of whether it may be in accordance with the determination which the court having jurisdiction would have made.

731.05. (a) All receipts of money or other property paid or delivered as rent of realty or hire of personalty, or interest on money loaned, or interest on or the rental or use value of property wrongfully withheld or tortiously damaged or otherwise in return for the use of principal, shall be deemed income unless otherwise expressly provided in this chapter. Dividends on corporate shares, payable in stock or otherwise, shall be deemed income except as provided in Section 731.07.

(b) All receipts of money or other property paid or delivered as the consideration for the sale or other transfer, not a leasing or letting, of property forming a part of principal, or as a repayment of loans, or in liquidation of the assets of a corporation, or as the proceeds of property taken on eminent domain proceedings where separate awards to tenant and remainderman are not made, or as proceeds of insurance upon property forming a part of the principal except where such insurance has been issued for the benefit of either tenant or remainderman alone, or otherwise as a refund or replacement or change in form of principal, shall be deemed principal unless otherwise expressly provided in this chapter. Any profit or loss resulting upon any change in form of principal shall inure to or fall upon principal, except in the case of property referred to and defined by Section 731.14, in which case the provisions of Section 731.14 shall govern.

(c) All income, after payment of expenses properly chargeable to it, shall be paid and delivered to the tenant or retained by him if already in his possession or held for accumulation where legally so directed by the terms of the transaction by which the principal was established; while the principal shall be held for ultimate distribution as determined by the terms of the transaction by which it was established or by law, except in the case of property referred to and defined by Section 731.14, in which case the provisions of Section 731 14 shall govern.

731.06. Whenever a tenant's right to income shall cease by death, or in any other manner, all payments theretofore actually paid to the tenant shall belong to the tenant or to his personal representative; all income actually received after such termination shall be paid to the person next entitled to income by the terms of the transaction by which the principal was established.

731.07. (a) All dividends on shares of a corporation forming a part of the principal which are payable

(1) In shares of the declaring corporation of the same kind and rank as the shares on which such dividend is paid; and

(2) In shares of the declaring corporation of a different kind or rank to the extent that they represent a capitalization of surplus not derived from earnings, shall be deemed principal.

Subject to the provisions of this section, all dividends, other than those awarded to principal under (1) and (2) above, including ordinary and extraordinary dividends and dividends payable in shares or other securities or obligations of corporations other than the declaring corporation, shall be deemed income.

Where the tenant shall have the option of receiving a dividend either in cash or in the shares of the declaring corporation, it shall be considered as a cash dividend and deemed income, irrespective of the choice made by the tenant except as provided in subdivision (f) of this section.

(b) All rights to subscribe to the shares or other securities or obligations of a corporation accruing on account of the ownership of shares or other securities in such corporation, and the proceeds of any sale of such rights, shall be deemed principal. All rights to subscribe to the shares or other securities or obligations of a corporation accruing on account of the ownership of shares or other securities in another corporation, and the proceeds of any sale of such rights shall be deemed income.

(c) Where the assets of a corporation are liquidated, amounts paid upon corporate shares as cash dividends declared before such liquidation occurred or as arrears of preferred or guaranteed dividends shall be deemed income; all other amounts paid upon corporate shares on disbursement of the corporate assets to the stockholders shall be deemed principal All disbursements of corporate assets to the stockholders, whenever made, which are designated by the corporation as a return of capital or division of corporate property shall be deemed principal.

(d) Where a corporation succeeds another by merger, consolidation, or reorganization or otherwise acquires its assets, and the corporate shares of the succeeding corporation are issued to the shareholders of the original corporation in like proportion to, or in substitution for, their shares of the original corporation, the two corporations shall be considered a single corporation in applying the provisions of this section. But, two corporations shall not be considered a single corporation under this section merely because one owns corporate shares of or otherwise controls or directs the other.

(e) In applying this section the date when a dividend accrues to the person who is entitled to it shall be held to be the

date specified by the corporation as the one on which the stockholders entitled thereto are determined, or in default thereof the date of declaration of the dividend.

(f) Distributions made from ordinary income by a regulated investment company or by a trust qualifying and electing to be taxed under federal law as a real estate investment trust are income. All other distributions made by the company or trust, including distributions from capital gains, depreciation, or depletion, whether in the form of cash or an option to take new stock or cash or an option to purchase additional shares, are principal.

(g) The tenant may rely upon the statement of the paying corporation as to whether dividends are paid from profits or earnings or are a return of capital or division of corporate property, and as to any other fact, relevant under any provision of this chapter, concerning the source or character of dividends or disbursements of corporate assets.

731.08. Where any part of the principal consists of bonds or other obligations for the payment of money, they shall be deemed principal at their inventory value as fixed by the appraiser or appraisers regularly appointed by the court, or, in default thereof, at their market value at the time the principal was established, or at their cost where purchased later, regardless of their par or maturity value; and upon their respective maturities or upon their sale or other disposition any loss or gain realized thereon shall fall upon or inure to the principal, except in the case of property referred to and defined by Section 731.14, in which case the provisions of Section 731.14 shall govern. Where any part of the principal consists of a bond or other obligation for the payment of money, bearing no stated interest but redeemable at maturity or a future time at an amount in excess of the amount in consideration of which it was issued, such accretion, as when realized, shall inure to income.

731.09. (a) Whenever a tenant is authorized by the terms of the transaction by which the principal was established or by law, to use any part of the principal in the continuance of a business which the original owner of the property comprising the principal had been carrying on, the net profits of such business attributable to such principal shall be deemed income.

(b) Where such business consists of buying and selling property, the net profits for any period shall be ascertained by deducting from the gross returns during, and the inventory value of the property at the end of, such period, the expenses during, and the inventory value of the property at the beginning of, such period.

(c) Where such business does not consist of buying and selling property, the net income shall be computed in accordance with the customary practice of such business, but not in such way as to decrease the principal.

(d) Any increase in the value of the principal used in such business shall be deemed principal, and all losses in any one calendar year, after the income from such business for that year has been exhausted, shall fall upon principal.

731.10. Where any part of the principal consists of animals employed in business, the provisions of Section 731.09 shall apply; and in other cases where the animals are held as a part of the principal partly or wholly because of the offspring or increase which they are expected to produce, all offspring or increase shall be deemed principal to the extent necessary to maintain the original number of such animals and the remainder shall be deemed income; and in all other cases such offspring or increase shall be deemed income.

731.11. (a) Where any part of the principal consists of property in lands from which may be taken timber, minerals, oils, gas, or other natural resources, and the tenant in possession is not under a duty to change the form of the investment of the principal, or (the duty to change the form of the investment being absent) is authorized by law or by the terms of the transaction by which the principal was established, to lease or otherwise develop such natural resources, and no provision is made for the disposition of the net proceeds thereof after the payment of expenses and carrying charges on such property, such proceeds shall be deemed income, whether received as rent or bonus on a lease or as a consideration, by way of royalties or otherwise for the permanent severance of such natural resources from the lands. A duty to change the form of the investment shall be negatived, and authority to develop such natural resources shall be deemed to exist (not excluding other cases where appropriate intent is manifested) where: (1) the resources or the right to exploit them is specifically devised or granted, or (2) where development or exploitation of the resources had begun prior to the transaction by which the principal was established, or (3) where by the terms of that transaction a general authority to lease or otherwise develop is conferred, or (4) where the lands are directed to be retained. The fact that such property received upon creation of the principal does not fall within the category of investments which the tenant or a trustee would be authorized to make under the law or the terms of the particular instrument by which the principal is established, nor the conferring of a mere authority, as distinguished from a direction, to sell such property, shall not be deemed to evidence an intent that the form of the investment shall be changed.

(b) Where any part of the principal consists of property in lands containing such natural resources, and the conditions under which the proceeds thereof become income shall not exist, then in the absence of the expression of contrary intent in the terms of the transaction by which the principal was established, all such proceeds from such resources, not in excess of 5 percent per annum of the inventory value of such resources as fixed by the appraiser or appraisers regularly

appointed by the court, or in default thereof their fair market value at the time the principal was established, or their cost if acquired later, shall be deemed income and the remainder principal.

(c) Nothing in this section shall be construed to abrogate or extend any right which may otherwise have accrued by law to a tenant to develop or work such natural resources for his own benefit.

731.12. Where any part of the principal consists of property subject to depletion, such as leaseholds, patents, copyrights, and royalty rights, and the tenant in possession is not under a duty to change the form of the investment of the principal, the full amount of rents, royalties, or income from the property shall be income to the tenant; but where the tenant is under a duty to change the form of the investment, either at once or as soon as a reasonable price, not representing an undue sacrifice of value, may be obtained, then the rents, royalties or income from such property not in excess of 5 percent per annum of its inventory value as fixed by the appraiser or appraisers regularly appointed by the court, or in default thereof its market value at the time the principal was established or at its cost where purchased later, shall be deemed income and the remainder principal.

731.13. (a) Where any part of a principal in the possession of a tenant consists of realty or personalty which for more than a year and until disposed of as hereinafter stated has not produced an average net income of at least 1 percent per annum of its inventory value as fixed by the appraiser or appraisers regularly appointed by the court, or in default thereof its market value at the time the principal was established or of its cost where purchased or otherwise acquired later, and the tenant is under a duty to change the form of the investment as soon as a reasonable price, not representing an undue sacrifice of value, may be obtained and such change is delayed, but is made before the principal is finally distributed, then the tenant shall be entitled to share in the net proceeds received from the property as delayed income to the extent hereinafter stated.

(b) Such income shall be the difference between the net proceeds received from the property and the amount which, had it been placed at simple interest at the rate of 5 percent per annum for the period during which the change was delayed, would have produced the net proceeds at the time of change, but in no event shall such income be more than the amount by which the net proceeds exceed the inventory value of the property as fixed by the appraiser or appraisers regularly appointed by the court, or in default thereof its market value at the time the principal was established or its cost where purchased later. The net proceeds shall consist of the gross proceeds received from the property less any expenses incurred in disposing of it and less all carrying charges which

have been paid out of principal during the period while it has been unproductive.

(c) The change shall be taken to have been delayed from the time when the duty to make it first arose, which shall be presumed in the absence of evidence to the contrary, to be one year after the tenant first received the property if then unproductive, otherwise one year after it became unproductive.

(d) If the tenant has received any income from the property or has had any beneficial use thereof during the period while the change has been delayed, his share of the delayed income shall be reduced by the amount of such income received or the value of the use had.

(e) As between successive tenants, or a tenant and a remainderman, delayed income shall be apportioned in the same manner as provided for income by Section 731.06.

731.14. (a) Where any part of the principal in possession of the tenant consists of an obligation for the payment of money secured by a mortgage or other hypothecation of real or personal property, and by reason of the enforcement of such obligation or by agreement in lieu of enforcement the tenant acquires any property, real or personal, of whatsoever kind, including a money judgment, such property shall be treated as a single substituted asset, and thereafter all income therefrom, expenses incident thereto and proceeds received upon sale, satisfaction, or transfer thereof, not a leasing or letting, excepting gain or profit on such sale, satisfaction or transfer, shall be apportioned in the same manner as provided by this chapter for property of like character acquired by purchase or held as a part of the estate at the time the principal was established.

Gain or profit realized on sale, satisfaction, or transfer, not a leasing or a letting, of property referred to in this section shall be credited to the income in an amount up to, but not exceeding, the accrued unpaid interest on the original obligation secured by such property as of the date of its acquisition by enforcement of the obligation or agreement in lieu thereof, and the balance shall be credited to principal. Such credit to income on account of accrued interest shall be in addition to any and all other credits due income by the terms of any other section of this chapter. Should any portion of such credit to income on account of accrued interest be in a form other than cash, then, and in that event, the full amount of such credit to income shall be paid first out of any sums received from the conversion of such asset into cash whether by payment, sale, or transfer before any sums so received shall be paid to principal.

As between successive tenants or a tenant and a remainderman, all sums paid hereunder on account of accrued interest shall be apportioned in the same manner as provided for income by Section 731.06.

The cost price of the property shall be the unpaid balance of the principal sum of the debt secured by such property,

plus all sums whenever paid on any of the following items:

(1) All costs, charges, and expenses incident to the acquisition of such property;

(2) All taxes, bonds, and assessments, or any of them, which were payable at the date of the acquisition of such property by the tenant, excepting, however, interest accruing thereon from the date of the acquisition of such property by the tenant; and all such sums shall be a charge against the principal.

(b) Upon the sale, surrender, or other disposition of a bond, debenture, note, or other evidence of an indebtedness, voluntarily created, or of a certificate of deposit evidencing the deposit of any such instrument with a protective or reorganization committee, or of stock or other security received through participation in the enforcement of such obligation or the foreclosure of the security therefor, upon which bond or other obligation there is overdue unpaid interest which accrued after the establishment of the principal, the proceeds realized upon such sale, surrender, or other disposition, after repayment (1) of expenses incurred in connection therewith and (2) of any sums paid to protect or preserve such security, shall be divided pro rata between income and principal, computing interest at the rate specified in such obligation. The amount allocable to income shall in no case exceed the interest accrued and unpaid on the original obligation up to the time of such sale or other disposition or, where another security has been received in lieu of the original obligation, the income which would have accrued on the latter up to such time, less income received from the original or the substituted security. The terms sale, surrender, or other disposition, as above used, shall include compromise, settlement, accord and satisfaction, and similar arrangements.

731.15. (a) All ordinary expenses incurred in connection with the principal or with its administration and management, including regularly recurring taxes assessed against any portion of the principal, water rates, premiums on insurance taken upon the estates of both tenant and remainderman, interest on mortgages on the principal, ordinary repairs, compensation of assistants and court costs on regular accountings, except attorneys' fees, shall be paid out of income. But such expenses where incurred in disposing of, or as carrying charges on, unproductive property as defined in Section 731.13, shall be paid out of principal, subject to the provisions of subdivision (b) of Section 731.13. Attorneys' fees for ordinary or current services shall be paid one-half out of income; one-half out of principal or in such other proportion as the court may direct.

(b) Attorneys' fees and other costs incurred in maintaining or defending any action to protect the property or assure the title thereof, unless due to the fault or cause of the tenant, costs of, or assessments for, improvements to property forming part of the principal, brokers' commissions, title charges, and other costs incurred in connection with purchasing,

selling, or leasing property, or investing or reinvesting principal, and all other expenses, except as specified in subdivision (a) of this section, shall be paid out of principal. Any tax levied by any authority, federal, state, or foreign, upon profit or gain defined under the terms of subdivision (b) of Section 731.05 shall be paid out of principal, notwithstanding such tax may be denominated a tax upon income by the taxing authority.

SEC. 2. Section 1 of this act shall become operative on July 1, 1968.

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:

At the 1967 Regular Session of the Legislature, Chapter 1508 of the 1967 Statutes was enacted to repeal Chapter 2.5 (commencing with Section 730) of Part 1 of Division 2 of the Civil Code, known and cited as the Principal and Income Law and adopted in this state in 1941, and to add new Chapter 2.5 (commencing with Section 730) of Part 1 of Division 2 of the Civil Code, to be known and cited as the Revised Principal and Income Act, operative July 1, 1968.

The Revised Principal and Income Act is framed in terms of trust relationships and does not expressly include the creation of principal by life or other legal estates, without the interposition of a trust. The history of the Revised Principal and Income Act indicates that this omission was intentional, as noted in Review of Selected 1967 Code Legislation, California Continuing Education of the Bar, page 26. The Principal and Income Act of 1941 in Section 730.04 of the Civil Code declared that act generally applicable where a principal is created with or without the interposition of a trust. To avoid a gap in the statutory law, in the case of legal life and other legal estates, present or future, it is necessary this act, pertaining to legal estates, be enacted to become operative July 1, 1968.

CHAPTER 194

An act to amend Section 28102 of the Government Code, relating to grand jurors.

[Approved by Governor May 28, 1968 Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Section 28102 of the Government Code is amended to read:

28102. In a county of the second class each supervisor shall receive as compensation for the services required of him

by law or by virtue of his office twelve thousand five hundred dollars ($12,500) a year; provided, however, that such compensation of a supervisor shall be reduced by the amount received by him for his services as a member of any district board or other public board or commission, including but not limited to a sanitation district board; provided further, that the amount or amounts received by him for his services as a member of one or more such district boards or other public boards or commissions shall not exceed in total amount twelve thousand five hundred dollars ($12,500) per year. All other officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county.

In the event that a county of the second class adopts a charter provision or an ordinance incorporating the substance of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code with regard to members of the board of supervisors, the annual salary of each member of the board of supervisors shall be sixteen thousand dollars ($16,000). Such salaries shall become effective on the effective date of such charter provision or ordinance.

The fees of the grand jurors are ten dollars ($10) for each day's attendance and mileage at the rate of ten cents ($0.10) a mile necessarily traveled in attending court, in going and returning.

The fees of trial jurors in the superior courts are the amounts provided by law for each day's attendance and mileage at the rate of fifteen cents ($0.15) a mile for each mile necessarily traveled in attending court, in going only. In criminal cases fees and mileage of trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the court in which the juror was in attendance, and the treasurer of the county shall pay the warrants.

CHAPTER 195

An act to amend Section 44391 of, and to add Section 44395 to, the Agricultural Code, relating to apricot containers.

[Approved by Governor May 28, 1968 Filed with Secretary of State May 28, 1968]

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

SECTION 1. Section 44391 of the Agricultural Code is amended to read:

44391. Every container of apricots shall bear upon it in plain sight and in plain letters on one outside end all of the following information:

(a) The name of the person that first authorized the packing of the apricots or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

(b) The name of the variety, if known, or if not known, the words "unknown variety" or "seedlings."

(c) The size description, row count, or count, if the apricots are packed in any style container.

SEC. 2. Section 44395 is added to the Agricultural Code, to read:

44395. If the count is used to designate the contents of the container, a variation of four apricots more or less than the number stated shall be allowed.

CHAPTER 196

An act to add Section 32951.5 to the Streets and Highways Code, relating to parking authorities.

[Approved by Governor May 28, 1968. Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Section 32951.5 is added to the Streets and Highways Code, to read:

32951.5. Section 32951 shall not apply where the project to be furnished or constructed is to be leased by the authority to the city.

CHAPTER 197

An act to amend Section 1401 of the Education Code, relating to school district elections.

[Approved by Governor May 28, 1968. Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Section 1401 of the Education Code is amended to read:

1401. The county superintendent of schools having jurisdiction of the district or districts in which an election is to be held shall issue or cause to be issued absent voter ballots in accordance with provisions of Chapter 4 (commencing with Section 14600) and Chapter 5 (commencing with Section 14800) of Division 9 of the Elections Code.

CHAPTER 198

An act to add Section 690.12 to the Code of Civil Procedure, relating to attachment exemptions.

[Approved by Governor May 28, 1968. Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Section 690.12 is added to the Code of Civil Procedure, to read:

690.12. All vacation credits accumulated by a state employee pursuant to the provisions of Section 18050 of the Government Code.

CHAPTER 199

An act to amend Section 6322.1 of the Business and Professions Code, relating to filing fees.

[Approved by Governor May 28, 1968. Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Section 6322.1 of the Business and Professions Code is amended to read:

6322.1. The board of law library trustees of any county may increase the costs provided in Sections 6321 and 6322 to not more than five dollars ($5) for each event there described whenever they shall determine that the increase is necessary to defray the expenses of the law library.

CHAPTER 200

An act to amend Section 18005 of the Government Code, relating to state civil service.

[Approved by Governor May 28, 1968. Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Section 18005 of the Government Code is amended to read:

18005. (a) Upon separation from service without fault on his part, a person is entitled to a lump sum payment as of the time of separation for any unused or accumulated vacation or for any time off to which he is entitled by reason of previous overtime work where compensating time off for overtime work is provided for by the appointing power or by rules of the

State Personnel Board. Such sum shall be computed by projecting the accumulated time on a calendar basis so that the lump sum will equal the amount which the employee would have been paid had he taken the time off but not separated from the service.

(b) Persons separated from service through fault of their own are entitled to a lump sum payment for such compensating time off for overtime work, and in addition, such portion, if any, of unused vacation as the State Personnel Board may determine. The computation of such sum shall be based on actual accumulated time without projection as provided in (a).

(c) Lump sum payment for vacation shall not be made to a person who separates from a position for the purpose of accepting another position in the state service except: (1) upon movement to a position in which vacation credits are neither accrued nor used or (2) upon reassignment of an employee of the Trustees of the California State Colleges from a position other than an academic year position, to an academic year position. However, a lump sum payment shall not be made to a person who returns to a position in the same class and agency within 15 working days of the date of his resignation.

(d) Except for payment authorized or excluded under subdivision (c) an employee who returns to state service during the period through which his lump sum payment was computed may refund the amount of lump sum payment which exceeds his break in service and have the balance of credits restored as though he had remained in state service and taken the time off.

CHAPTER 201

An act to amend Section 33113 of the Agricultural Code, relating to state agricultural employees.

[Approved by Governor May 28, 1968. Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Section 33113 of the Agricultural Code is amended to read:

33113. A person is not eligible to take the examination unless he possesses one of the following qualifications:

(a) Graduation from a four-year college with specialization in studies which related to dairy farms or milk and milk products.

(b) Graduation from a veterinary college of recognized standing at the time of graduation and at least one year of experience in the production, processing, or inspection of milk or milk products.

(c) At least three years of experience in this state with an approved milk inspection service, or with the Bureau of Dairy

Service of the department, in inspection and enforcement work which pertains to dairy farms or milk and milk products.

(d) Employed as a registered sanitarian in the State of California for at least two years immediately prior to applying for the certification examination and possesses a bachelor's degree.

(e) Employed as a registered sanitarian in the State of California for the past 10 years, including two years immediately preceding enactment of this subdivision.

CHAPTER 202

An act to add Article 5 (commencing with Section 6550) to Chapter 5 of Part 1 of Division 6 of the Fish and Game Code, relating to fish.

[Approved by Governor May 28, 1968. Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Article 5 (commencing with Section 6550) is added to Chapter 5 of Part 1 of Division 6 of the Fish and Game Code, to read:

Article 5. Domesticated Anadromous Fishery

6550. The holder of a domesticated fish breeder's license may be granted a permit by the commission, under such terms and conditions as the commission may prescribe, to release and recapture domestically reared anadromous fish in state waters.

6551. Prior to issuance of any permit by the commission, a public hearing shall be held in the county or counties affected. Notice of the hearing shall be published at least once, and at least 10 days prior to the hearing, in a newspaper of general circulation in each of the counties in which the hearing is to be held, or if no such newspaper is published in that county or counties then in such a newspaper in an adjoining county. The hearing shall be conducted by either (a) the commission, (b) a member of the commission designated by it, or (c) the director if requested to do so by the commission.

Such employees of the department as may be necessary or are requested by any interested group of persons, shall be present at the hearing.

6552. No permit will be issued which may tend to deplete the natural runs of anadromous fish, result in waste or deterioration of fish, or when the proposed operation is located on a stream or river below a state or federal fish hatchery or egg-taking station.

6553. All fish released into the wild under authority of this article during the time they are in the wild will become the property of the state and may be taken under the authority of a sport or commercial fishing license.

6554. Requirements for the screening of outlets as prescribed in Section 6451 may be waived by the commission. Such waiver shall only be during the period fish are being released and captured under permit issued under authority of this article. The condition of such waiver shall be described in any permit issued.

6555. Any permit granted by the commission pursuant to this article shall contain the following conditions:

(a) All domestically reared anadromous fish released into state waters shall be marked. Such marking shall be approved by the commission.

(b) If after a hearing the commission finds that the operation described in the permit and conducted pursuant to this article is not in the best public interest, the commission may alter the conditions of the permit to mitigate such adverse effects, or may cause an orderly termination of the operation under the permit. Proceedings to cause such alteration or termination 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 commission shall have all the powers granted therein. An orderly termination shall not exceed a three-year period and shall culminate in the revocation of the permit in its entirety. During this period, the permittee may continue to examine and take specified domesticated anadromous fish according to the provisions of the permit, but may not release additional fish.

(c) If the commission finds that the operation has caused deterioration of the natural run of anadromous fish in the waters covered by the permit, it may require the permittee to return the fishery to the same condition as was prior to issuance of the permit. If the permittee fails to take appropriate action, the commission may direct the department to take such action, and the permittee shall bear any cost incurred by the department.

(d) Prior to release into state waters the fish may be examined by the department to determine that they are not diseased or infected with any disease which, in the opinion of the department, may be detrimental to the state fishery resources.

(e) The permittee shall have the right to divert all fish returning to the stream to an inspection area as authorized by the commission, and shall be allowed to examine all fish for the purpose of identifying domestically reared fish that have returned.

(f) No unmarked fish may be transported from the trapping facility other than to be returned to state waters.

(g) All fish not bearing marks approved by the commission for the permittee will be returned unharmed to the stream or river.

SEC. 2. Any permit issued under this act shall be on an experimental basis until its impact on the fishery resource can be ascertained and, therefore, this act shall be applicable only to the waters of Waddell Creek, contained within Santa Cruz County, until the 61st day after final adjournment of the 1972 Regular Session of the Legislature after which time this act shall have no force or effect.

SEC. 3. The commission shall report to the Legislature on any permit granted pursuant to this act, together with any recommendations relating to the subject matter of this act, not later than the fifth legislative day of the 1971 Regular Session of the Legislature.

CHAPTER 203

An act to amend Sections 20607.6, 20607.8, 20952.6, 20952.8, 21252.6 and 21252.8 of, and to repeal Sections 20607.6 and 20607.8 of, the Government Code, relating to Public Employees' Retirement System.

[Approved by Governor May 28, 1968 Filed with Secretary of State May 28, 1968]

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

SECTION 1. Section 20607.6 of the Government Code is amended to read:

20607.6. For each local safety member who is a fireman, and who became such a member of this system, or, if entitled to credit for prior service, who entered fire service at or below age 45, 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 subject to Section 20493 of this code nor to the employees of any such contracting agency. It shall not apply to any other contracting agency unless and until the agency elects to be subject to the provisions of this section and of Sections 20952.6 and 21252.6 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 Sections 20607, 20607.5, or 20607.51 of this code, whichever is applicable.

SEC. 1.5. Section 20607.6 of the Government Code is repealed.

SEC. 2. Section 20607.8 of the Government Code is amended to read:

20607.8. For each local safety member who is a local policeman or county peace officer, 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 45, 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 compensation, respectively.

This section shall not apply to any contracting agency subject to Section 20493 of this code nor to the employees of any such contracting agency. It shall not apply to any other 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 Sections 20607, 20607.5, or 20607.51 of this code, whichever is applicable.

SEC. 2.5. Section 20607.8 of the Government Code is repealed.

SEC. 3. Section 20952.6 of the Government Code is amended to read:

20952 6. A local safety member who is a fireman 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 subject to Section 20493 of this code nor to the employees of any such contracting agency. It shall not apply to any other contracting agency unless and until the agency elects to be subject to the provisions of this section and of Sections 20607.6

and 21252.6 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. 4. Section 20952.8 of the Government Code is amended to read:

20952.8. A local safety member who is a local policeman or county peace officer 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 subject to Section 20493 of this code nor to the employees of any such contracting agency. It shall not apply to any other 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. 5. Section 21252.6 of the Government Code is amended to read:

21252.6. The current service pension for local safety members who are firemen 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 fire 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 fire service after the effective date of the contract under which he became a member.

This section shall not apply to any contracting agency subject to Section 20493 of this code nor to the employees of any such contracting agency. It shall not apply to any other contracting agency unless and until the agency elects to be subject to the provisions of this section and of Sections 20607.6 and 20952.6 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.

SEC. 5.5. Section 21252.6 of the Government Code is amended to read:

21252.6. The combined prior and current service pensions for local safety members who are firemen, upon retirement at or after age 50, 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 a percentage of final compensation multiplied by the number of years of fire service, such percentage to be 2½ or, if less, the percentage obtained by division of 50 percent by the difference between age 50 and the member's age at his birthday nearest to the date of his first entry into such service. Any member entering such service at or after age 50 shall be deemed, for purpose of this section, to have entered such service at age 49.

This section shall not apply to any contracting agency subject to Section 20493 of this code nor to the employees of any such contracting agency. It shall not apply to any other contracting agency unless and until the agency elects to be subject to the provisions of this section and of Section 20952.6 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 21252.1.

SEC. 6. Section 21252.8 of the Government Code is amended to read:

21252.8. The current service pension for local safety members who are local policemen or county peace officers 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 subject to Section 20493 of this code nor to the employees of any such contracting agency. It shall not apply to any other 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.

SEC. 7. Section 21252.8 of the Government Code is amended to read:

21252.8. The combined prior and current service pensions for local safety members who are local policemen or county peace officers, upon retirement at or after age 50, 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 a percentage of final compensation multiplied by the number of years of police officer or deputy sheriff service, such percentage to be 2½ or, if less, the percentage obtained by division of 50 percent by the difference between age 50 and the member's age at his birthday nearest to the date of his first entry into such service. Any member entering such service at or after age 50 shall be deemed, for purpose of this section, to have entered such service at age 49.

This section shall not apply to any contracting agency subject to Section 20493 of this code nor to the employees of any such contracting agency. It shall not apply to any other contracting agency unless and until the agency elects to be subject to the provisions of this section and of Section 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 21252.1.

SEC. 8. Sections 1.5, 2.5, 5.5, and 7 of this act shall become operative only if Assembly Bill No. 508 is enacted at the 1968 Regular Session of the Legislature, in which case, Sections 1, 2, 5, and 6 of this act are repealed.

CHAPTER 204

An act to add Section 25503.2 to the Business and Professions Code, relating to alcoholic beverages, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 28, 1968 Filed with Secretary of State May 28, 1968]

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

SECTION 1. Section 25503.2 is added to the Business and Professions Code, to read:

25503.2. Anything in this division to the contrary notwithstanding, any winegrower, wine blender, beer manufacturer, brandy manufacturer, distilled spirits manufacturer, distilled spirits manufacturer's agent, rectifier, distilled spirits wholesaler, and beer and wine wholesaler, or the authorized agent or agents or representative or representatives of any such licensee, may perform any of the following services for off-sale retail licensees at or on the premises of the off-sale retail licensee with such retail licensee's permission:

(a) Stack or arrange cases of the brand or brands of alcoholic beverages he owns or sells in the storeroom or warehouse where the off-sale retail licensee stores such brand or brands.

(b) Rotate the brand or brands he owns or sells on shelves and in refrigerated boxes, and rearrange bottles or packages of such brand or brands by moving such bottles or packages horizontally or vertically from shelf to shelf in the space and shelves allocated to such brand or brands; provided that this shall not permit the removal of any brand or brands of alcoholic beverages, except beer, which he owns or sells from the storeroom or other place belonging to an off-sale retailer for the purpose of replacing alcoholic beverages on or restocking shelves or refrigerated boxes.

(c) Take an inventory of an off-sale retailer's stock of a brand or brands of alcoholic beverages which he owns or sells and which are in the stockroom or other place belonging to such off-sale retailer.

(d) Service the brand or brands of alcoholic beverages he owns and sells which are on shelves, fixtures, or other display pieces at the off-sale retail premises, including, but not limited to dusting bottles and shelves and refrigerated boxes allocated to such brand or brands at such retail premises. The licensees authorized to render services by this section and their agents and representatives may not price-mark individual containers of the brand of alcoholic beverages, except beer, owned or sold by such licensee, except for individual bottles used on floor displays.

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:

Services of the kinds referred to in Section 1 of this act have been rendered in the alcoholic beverage industry for many years and are part of the merchandising program developed to protect the quality of beer, wine, and other alcoholic beverages offered for sale to the public. The Director of Alcoholic Beverage Control has recently determined that certain of these services may no longer be furnished. This action threatens the quality of the products offered for sale to the public, and in order to protect the quality thereof, it is necessary that this act take effect at the earliest possible time.

CHAPTER 205

An act to amend Sections 24862, 24864, 24865, 24871, 24871.5, 24872, 24873, and 24878 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 28, 1968. Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Section 24862 of the Business and Professions Code is amended to read:

24862. No licensee shall in this state sell or resell to a retailer, and no retailer shall in this state buy any item of wine except at the selling or resale price thereof contained either in an effective price schedule or in an effective fair trade contract as authorized by Chapter 10 of this division, unless otherwise provided in this chapter.

No licensee in this state shall sell or resell to a consumer any item of wine at less than the selling or resale price thereof contained either in an effective price schedule or in an effective fair trade contract as authorized by Chapter 10 (commencing with Section 24749) of this division unless otherwise provided in this chapter.

Wine sold pursuant to a bona fide order accepted on the last business day of any month may be delivered to the purchaser, at the price in effect during said month, within two business days immediately following the last day of the month in which the sale was made.

SEC. 1.5. Section 24864 of the Business and Professions Code is amended to read:

24864. For the purpose of providing different selling or resale prices, the state may be divided into the following trading areas:

(a) Mountain trading area, which consists of the Counties of Del Norte, Siskiyou, Modoc, Shasta, Trinity, Humboldt,

Lassen, Mendocino, Tehama, Plumas, Butte, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Alpine, Tuolumne, Mariposa, Mono, Inyo, and Imperial, and those portions of the Counties of Kern, San Bernardino and Riverside which lie east of the mountain divide of the Sierra Nevada, Tehachapi, and San Bernardino Mountains, commonly known as the Desert Country.

(b) Northern California trading area, which consists of all counties and portions of counties lying north of the northern boundary of San Luis Obispo County and the southern boundaries of Kern and Inyo Counties which are not included in the mountain trading area.

(c) Southern California trading area, which consists of all the counties and portions of counties lying south of the northern boundary of San Luis Obispo County and the southern boundaries of Kern and Inyo Counties which are not included in the mountain trading area.

SEC. 2. Section 24865 of the Business and Professions Code is amended to read:

24865. For the southern California and the northern California trading areas the selling and resale prices to retailers shall be specified prices, and the selling or resale prices to consumers shall be minimum prices. For the mountain trading area the selling and resale prices may be minimum prices, except that the minimum prices shall not be less than the specified prices for the northern California trading area, and except that the minimum prices provided for counties or portions of counties in the mountain trading area lying south of the northern boundary of San Luis Obispo County and the southern boundaries of Kern and Inyo Counties shall not be less than the specified prices for the southern California trading area.

SEC. 3. Section 24871 of the Business and Professions Code is amended to read:

24871. Quantity discounts to retailers shall be permitted only when actual delivery of a single order is begun and completed to the same premises within a period not to exceed 48 hours, except in the case of accident, strike, insurrection, riot, or act of God, and then delivery shall be made within 48 hours after such occurrence ends. The total quantity and prompt payment discounts, if any, to retailers shall not exceed 10 percent per case for case lots. Brands owned or controlled for the purpose of filing price schedules pursuant to this chapter by the same winegrower or wholesaler, may be combined for quantity and prompt payment discounts.

Quantity discounts to consumers shall not exceed 10 percent on quantity sales of a case or more. A case for the purpose of the preceding sentence and for Section 24871.5 shall contain 2.4 gallons or more of wine consisting of containers of the same size. A quantity sale to a consumer is a single transaction and is accomplished in a single delivery.

Prompt payment discounts to retailers shall be permitted only when the seller actually receives payment in cash or its

equivalent within the specified period after date of delivery. Postdated checks or checks returned for nonpayment shall not be deemed the equivalent of cash.

Permitted discounts shall not be taken in merchandise.

SEC. 4. Section 24871.5 of the Business and Professions Code is amended to read:

24871.5. A seller may assort and allow an authorized quantity discount to a consumer who purchases a case or more of wine of the same brand.

A seller may assort and allow a quantity discount to a consumer who purchases a case or more consisting of any brands of wine for which consumer case discounts of the same percentage are in effect. The quantity discount may not exceed the authorized consumer case discounts for such merchandise.

SEC. 5. Section 24872 of the Business and Professions Code is amended to read:

24872. Fair trade contracts and price schedules for wine available for sale for the first time shall be made and filed on or before the 15th of any month.

Adding an item to, removing an item from, or changing any charge, discount, or price in, any price schedule or fair trade contract constitutes a change in the price schedule or fair trade contract.

Monthly changes shall be filed on or before the 15th of any month.

If a change occurs in the body of a fair trade contract, a copy of the changed fair trade contract shall be filed at the same time that the changed price schedule affected thereby is filed.

Price schedules, fair trade contracts, or changes therein shall become effective on the first day of the month following the month of filing, except as otherwise provided in this chapter, and shall remain in effect for a minimum of one month and until changed in the manner provided in this chapter.

SEC. 6. Section 24873 of the Business and Professions Code is amended to read:

24873. For the purpose of complying with the General Ceiling Price Regulation, Economic Stabilization Agency, or with any other applicable federal law, ruling, rule, or regulation respecting prices, or for the purpose of increasing a price or prices when an increase in ceiling price is authorized by any such law, ruling, rule, or regulation, price schedules and fair trade contracts, or changes therein, may be filed with the department at any time and shall become effective immediately upon filing. If filed because of an authorized increase in ceiling price, the applicable price schedule and fair trade contract, or changes therein, shall be filed with the department not later than the 15th day of the month following the month in which the increase in ceiling price is first authorized.

Publication of the price schedules or changes therein shall be made as provided in Section 24875 on or before the first

day of the month following the month in which the price schedules or changes therein are filed with the department. The price schedules or changes therein shall contain the statement: "Filed to comply with federal pricing laws and regulations" or "Filed to increase prices as first authorized on (inserting the date)." Notwithstanding any other provision of this chapter, price schedules and fair trade contracts, or changes therein, made effective pursuant to this section shall remain in effect until changed pursuant to this chapter.

SEC. 7. Section 24878 of the Business and Professions Code is amended to read:

24878. Except as otherwise provided or authorized in this division, the giving of, or offering to give, any rebate, free goods, combination deal, premium, allowance, unauthorized discount, floor stocks adjustment, or any other thing or service of value, directly or indirectly, in connection with the sale of wine subject to this chapter, or, in any other way circumventing this chapter to effect a sale at a price other than the price shown in the applicable price schedule or to effect a sale to a consumer at a price less than the minimum price shown in the applicable price schedule, is a violation of this chapter.

This section does not prohibit any cooperative buying group which on January 1, 1949, held a federal basic permit or was licensed by the department from giving, or its members from receiving, dividends or other adjustments from the general fund of the cooperative buying group. This chapter does not prohibit the furnishing of samples, advertising matter, and other selling aids or rendition of any services as authorized by this division and rules issued pursuant to this division.

CHAPTER 206

An act to amend Section 24045.5 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 28, 1968. Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Section 24045.5 of the Business and Professions Code is amended to read:

24045.5. The department in its discretion may issue a temporary retail permit to the transferee of a retail license to continue the operation of a retail premises during the period a transfer application for the license from person to person at the same premises is pending and when all the following conditions exist:

(a) The premises shall have been operated under a retail license within 30 days of the date of filing the application for a temporary permit.

(b) The retail license for said premises shall have been surrendered pursuant to rules of the department.

(c) The applicant for the temporary permit shall have filed with the department an application for transfer of the retail license at such premises to himself.

(d) The application for the temporary permit shall be accompanied by a temporary permit fee of fifty dollars ($50).

A temporary permit issued by the department pursuant to this section shall be for a period not to exceed 60 days. A temporary permit may be extended at the discretion of the department for an additional 60-day period upon payment of an additional fee of fifty dollars ($50) and upon compliance with all conditions required herein. A temporary permit is a conditional permit and authorizes the holder thereof to sell such alcoholic beverages as would be permitted to be sold under the privileges of the retail license for which transfer application has been filed with the department, and to sell such alcoholic beverages to consumers only and not for resale.

Purchase of beer and wine by the holder of a temporary permit shall be made only upon payment before or at time of delivery in currency or by check. Purchase of distilled spirits by the holder of a temporary permit shall be made only upon payment before or at time of delivery in currency or by certified check. Provided, however, that the holder of a temporary permit who also holds one or more retail licenses and is operating under such retail license or licenses in addition to the temporary permit, and who is not delinquent under the provisions of Section 25509 as to any retail license under which he operates, may purchase alcoholic beverages on credit under the temporary permit.

All checks received by a seller for beer or wine purchased by the holder of a temporary permit shall be deposited not later than the second business day following the date the beer or wine is delivered.

A check dishonored on presentation shall not be deemed payment. The receipt by the seller or his agent in good faith from a holder of a temporary permit of a check dishonored on presentation shall not be cause for disciplinary action against the seller.

Transfer of the retail license for which the holder of a temporary permit has filed application shall not be approved by the department until the holder of the temporary permit shall have filed with the department a statement executed under penalty of perjury that all current obligations have been discharged, and that all outstanding checks issued by him in payment for alcoholic beverages will be honored on presentation.

It shall not be a violation of this section or otherwise grounds for disciplinary action for any licensee to extend credit to the holder of a temporary permit or to receive payment from such permittee in a manner other than authorized herein unless the seller had knowledge of the fact that the purchaser was operat-

ing under a temporary permit. Knowledge of such fact may be established by evidence, including, but not limited to, evidence that, at the time of receipt of payment or the extension of credit, the premises operated under a temporary permit were posted with the notice required by Section 23985, or the holder of the temporary permit had recorded notice as required by Section 24073, or the holder of the temporary permit had published notice as required by Section 23986, or the holder of the temporary permit had recorded and published notice pursuant to Division 6 (commencing with Section 6101) of the Commercial Code.

Refusal by the department to issue or extend a temporary permit shall not entitle the applicant to petition for such permit pursuant to Section 24011, or to a hearing pursuant to Section 24012. The provisions of Articles 2 (commencing with Section 23985) and 3 (commencing with Section 24011) of this chapter shall not apply to temporary permits.

Notwithstanding any other provision of law, a temporary permit may be canceled or suspended summarily at any time if the department determines that good cause for such cancellation or suspension exists. The provisions of Chapter 8 (commencing with Section 24300) of this division shall not apply to temporary permits.

Application for a temporary permit shall be on such form as the department shall prescribe. If an application for temporary permit is withdrawn before issuance or is refused by the department, the fee which accompanied such application shall be refunded in full, and Sections 23959 and 23960 shall not apply. Fees received by the department for issuance of temporary permits shall be deposited in the Alcohol Beverage Control Fund as provided in Section 25761.

CHAPTER 207

An act to add Section 8006.5 to the Welfare and Institutions Code, relating to expenditures of public guardians.

[Approved by Governor May 28, 1968. Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Section 8006.5 is added to the Welfare and Institutions Code, to read:

8006.5. When a public guardian has taken charge of the estate of a person referred to him as a potential ward or conservatee as provided in Section 8006, costs incurred by him for the protection of the estate, together with a reasonable fee for his services of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100), shall be a proper and

legal charge of the estate of the ward or conservatee in case of the subsequent appointment of another person as guardian or conservator of the estate.

CHAPTER 208

An act to amend Section 1607 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor May 28, 1968 Filed with Secretary of State May 28, 1968]

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

SECTION 1. Section 1607 of the Revenue and Taxation Code is amended to read:

1607. A reduction in an assessment on the local roll shall not be made unless the party affected or his agent makes and files with the county board a verified, written application showing the facts claimed to require the reduction and the applicant's opinion of the full cash value of the property. Except as provided in Section 1760, the application shall be filed between July 2 and August 26. An application that is mailed and postmarked August 26 or earlier within such period shall be deemed to have been filed between July 2 and August 26.

CHAPTER 209

An act to add Section 15008.5 to the Education Code, relating to public school buildings.

[Approved by Governor May 28, 1968 Filed with Secretary of State May 28, 1968]

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

SECTION 1. Section 15008.5 is added to the Education Code, to read:

15008.5. The governing board of any school district may lease buildings and other facilities such as warehouses, athletic facilities, recreation facilities, and outdoor assembly facilities for a period of not to exceed 12 years, and with an option to renew such lease for a period of not to exceed 12 years, if the governing board of the school district has entered into a joint powers agreement, pursuant to the provisions of Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, and the terms of the agreement so authorize. Any building leased under the provisions of this section in which pupils would be required to enter shall be deemed the construction or alteration of a school building

as those terms are defined in Sections 15451 to 15465, inclusive, and all the provisions of those sections shall apply thereto.

CHAPTER 210

An act to add Section 8770.5 to the Business and Professions Code, relating to record of survey.

[Approved by Governor May 28, 1968. Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Section 8770.5 is added to the Business and Professions Code, to read:

8770.5. Any record of survey filed under the provisions of this chapter may be amended to correct any error in course or distance shown thereon, or to show any course or distance that was omitted therefrom, or to correct any error in the description of the land which the record of survey comprised, in the same manner that subdivision maps may be amended under the provisions of the Subdivision Map Act, Chapter 2 (commencing with Section 11500) of Part 2 of Division 4 of this code.

CHAPTER 211

An act to repeal Section 5015 of the Public Resources Code, relating to acquiring beaches in counties.

[Approved by Governor May 28, 1968. Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Section 5015 of the Public Resources Code is repealed.

CHAPTER 212

An act to amend Section 23366.5 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 28, 1968. Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Section 23366.5 of the Business and Professions Code is amended to read:

23366.5. A winegrower's license, brandy manufacturer's license, beer and wine wholesaler's license or a distilled spirits

manufacturer's agent's license also authorizes the solicitation of orders for wine or brandy, or both, which are produced or manufactured in this state and which the licensee is authorized to sell by his license for and on behalf of any licensee for the sale to other licensees of such wine or brandy.

CHAPTER 213

An act to add Section 25503.5 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 28, 1968. Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Section 25503.5 is added to the Business and Professions Code, to read:

25503.5. A winegrower, beer manufacturer, or a beer and wine wholesaler may, without charge, instruct licensees and their employees, or conduct courses of instruction for licensees and their employees, on the subject of wine or beer, including but not limited to the history, nature, values, and characteristics of wine or beer, the use of wine lists, and the methods of presenting and serving wine or beer. The winegrower, beer manufacturer, or beer and wine wholesaler may furnish wine or beer and such equipment, materials and utensils as may be required for use in connection with such instruction or courses of instruction.

Such instruction or courses of instruction may be given at the premises of the winegrower, beer manufacturer, or beer and wine wholesaler, or of a licensee, including an on-sale retail licensee, or elsewhere.

CHAPTER 214

An act to add Section 276 to the Financial Code, relating to State Banking Fund.

[Approved by Governor May 28, 1968. Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Section 276 is added to the Financial Code, to read:

276. As used in this article, "bank" includes, but is not limited to, a foreign banking corporation licensed by the superintendent to do business in this state.

SEC. 2. Section 1 of this act is hereby declared to be the positive expression of a continuing legislative intent with respect to the construction of Article 5 (commencing with Section 270), Chapter 2, Division 1 of the Financial Code, and the addition of Section 276 to this code made by this act is, accordingly, a clarification of the law and not a change thereof.

CHAPTER 215

An act to amend Section 2 of Chapter 1448 of the Statutes of 1967, relating to homes for the aged, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 28, 1968. Filed with Secretary of State May 28, 1968.]

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

SECTION 1. Notwithstanding the provisions of Section 254.6 of the Revenue and Taxation Code, the affidavits required by that section with respect to information relating to the 1967–68 fiscal year may be filed not later than April 15, 1968.

SEC. 2. Section 2 of Chapter 1448 of the Statutes of 1967 is amended to read:

Sec. 2. Homes for the aged which are exempt from property taxation under Section 214 of the Revenue and Taxation Code shall submit to the Department of Social Welfare on or before April 15, 1968, such data as is requested by the department including, but not limited to, the following:

(a) The sum of the actuarial annual equivalent of all life-care contracts of all home residents in effect during the fiscal year immediately preceding application by the home for exemption from property taxation under Section 214 of the Revenue and Taxation Code; and, for purposes of this section any entrance or admission fee, or any contribution in an amount less than thirty thousand dollars ($30,000), paid by a resident within one year prior to his entering the home to the home or to any charitable or religious entity making financial contribution to the operation of the home, shall be treated as a life-care contract;

(b) The sum of the annual charges for services and care other than those described in subdivision (a), if any, paid by residents of such homes for the fiscal year immediately preceding application by the home for exemption from property taxation under Section 214 of the Revenue and Taxation Code;

(c) The average number of residents present in the home during the fiscal year immediately preceding application for exemption;

(d) The average number of residents receiving public assistance;

(e) The average number of residents during the past fiscal year for whom charges levied by the home have been paid in whole or in part by private charitable contribution or by the home itself;

(f) The total amount of home charges in excess of total public assistance received by residents of that home;

(g) The amount of private charitable contributions applied to meet charges levied by the home for residents unable to meet such charges from their own resources;

(h) The amount and the unexpired term of the encumbrances upon the home, other indebtedness of the home, and the amount of life-care reserves required by the Department of Social Welfare;

(i) A complete statement of the nature and quantity of services provided residents by the home.

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 extension of time authorized by this act may be effective prior to the date by which homes for the aged would be required to file their affidavits, it is necessary that this act take effect immediately.

CHAPTER 216

An act to amend Section 25514.5 of the Education Code, relating to junior colleges.

[Approved by Governor May 29, 1968. Filed with Secretary of State May 29, 1968.]

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

SECTION 1. Section 25514.5 of the Education Code is amended to read:

25514.5. Any minor student, any student 21 years of age or over and under 25 years of age who has been honorably discharged or is otherwise returning from active or inactive military service with the armed forces of the United States, and any student under 21 years of age but declared to be an adult pursuant to Section 25 of the California Civil Code by virtue of marriage while over 18 years of age, who resides in this state and more than ninety (90) miles from the nearest public junior college attendance center where grades 13 and 14 are maintained, measured by the usual vehicular route between his home and such attendance center, may at his request attend grades 13 and 14 at any public junior college in the state, whether or not his residence is in a district maintaining a

junior college. The governing board of the district maintaining such junior college designated by the student shall admit the student provided he otherwise qualifies for admission.

The provisions of the preceding paragraph of this section shall be inapplicable to any student residing in a district maintaining a junior college if the Superintendent of Public Instruction determines that such district maintains adequate dormitories or housing facilities or provides adequate transportation for such student between his home and the junior college attendance center.

If the student resides in a district maintaining a junior college, the provisions of Article 7 (commencing with Section 10801) of Chapter 1 of Division 9 shall be inapplicable, and the district of the student's residence shall pay to the district of the student's attendance an amount on account of such attendance computed pursuant to Section 20201. The computation shall be made and other procedures shall be undertaken in accordance with such requirements as may be prescribed by the Superintendent of Public Instruction, by or under authority of the governing board of the school district of attendance, and shall be approved by the county superintendent of schools having jurisdiction of such district with the certification of the amount owing to be transmitted by him to the district of the student's residence. The governing board of the district of residence shall, on or before June 1st, order payment of the amount computed as owing the district of attendance for the fiscal year, and upon failure of the governing board so to do, the county superintendent of schools having jurisdiction of the district shall draw a requisition against the funds of the district in favor of the district of attendance in payment of such amount and transmit the same to the district of attendance. For purposes of all provisions of this code dealing with allowances and apportionments from the State School Fund for support of junior colleges, the district of the student's residence and the district of his attendance shall be deemed to have entered into an interdistrict attendance agreement with respect to the student.

If the student resides within territory not included within any junior college district the provisions of Article 3 (commencing with Section 20201) of Chapter 1 of Division 15 shall be applicable.

In addition to the payments required under the preceding paragraphs of this section, there shall be paid to the parents or other persons having charge or control of such minor student at his residence and directly to the student who qualifies as such a former or returning adult serviceman or as such a married minor, by the district in which the pupil attends, a maintenance allowance of one dollar and fifty cents ($1.50) per calendar day for the period in which the student is enrolled full time in regular classes in a junior college under this sec-

tion. Such amount shall be paid on or before the 15th day after the close of the school year in which the student was so enrolled. Such payments made by a district maintaining a junior college at which the pupil attends shall be included in that district's transportation expense as payments made in lieu of providing for transportation of pupils between their homes and regular full-time day schools, for purposes of Article 10 (commencing with Section 18051) of Chapter 3 of Division 14; and the amount thereof not reimbursed by the state shall be included in the computation of the amount to be paid by the district of the student's residence, or the junior college tuition fund, as the case may be.

For purposes of this section, a person shall be deemed to be honorably discharged from the armed forces (a) if he was honorably discharged from the armed forces of the United States or (b) if he was inducted into the armed forces of the United States under the "Universal Military Training and Service Act," and (1) satisfactorily completes his period of training and service under such act and is issued a certificate to that effect pursuant to such act, or (2) having served honorably on active duty was transferred to a reserve component of the armed forces of the United States pursuant to such act, or (3) was otherwise released pursuant to such act under honorable conditions.

For the purposes of this section, the term "armed forces of the United States" shall include all regular and reserve components of the uniformed services which are subject to the jurisdiction of the Secretary of Defense, the Secretaries of the Army, Navy and Air Force, and all components of the Coast Guard.

CHAPTER 217

An act to maintain the Education Code by amending Section 945, 1125.5, 1125.7, 13206, 13208, 13217, 13219, 13256, 13583, 13587, 14309, 16056.1, 18056.1, 18058.1, 20051, 24002, and 25457.6 of, and by amending and renumbering Sections 1443 and 3100.6 of, and by repealing Sections 616, 6802.5, 17253, 17611.5, 17708, 19611.5, 19619.1, 19654, 20753, and 21306 of, the Education Code, relating to education.

[Approved by Governor May 29, 1968. Filed with Secretary of State May 29, 1968.]

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

SECTION 1. Section 616 of the Education Code is repealed.

SEC. 2. Section 945 of the Education Code is amended to read:

945. Anything in a city, county, or city and county charter to the contrary notwithstanding, when the average daily attendance of any school district, or of two or more school dis-

tricts governed by governing boards of identical personnel, is 40.000 or more, the governing board or boards of the district, or districts, may appoint an administrative adviser and fix and order paid his compensation. The duties of the administrative adviser are to render administrative advice to the superintendent of schools and to other officers and employees of the school district, or districts, such other administrative duties as may be assigned by the superintendent of schools and the governing board, or boards, of the district, and to assist the legal counsel of the district, or districts, in the preparation and conduct of school district litigation. The employee shall have been admitted to practice law in the state, and shall not be required to have any certification qualifications. The employee shall be employed under the same conditions for employment as set forth in Sections 13304 and 13306.

SEC. 3. Section 1125.5 of the Education Code is amended to read:

1125.5. (a) Whenever an elementary, high school or unified school district is annexed to another school district in which trustee areas have been established the county committee on school district organization of the county having jurisdiction over the annexing district shall study and make recommendation with respect to trustee areas of the annexing district as enlarged. Procedures contained in Section 1122 shall be used for purposes of this section.

(b) Recommendations adopted under provisions of subdivision (a), if approved by the electors, shall become effective on the same date that the annexing district as enlarged becomes effective for all purposes.

SEC. 4. Section 1125.7 of the Education Code is amended to read:

1125.7. In the event an election is called pursuant to Section 1123, the county superintendent of schools having jurisdiction shall, as to each trustee area having more than its allotted number of representatives in the membership of the governing board for the next succeeding school year, determine by lot which of said representatives shall relinquish their offices either immediately upon the election and qualification of the governing board members who are elected as provided in Section 1125.6 or on the first day of July next succeeding the election establishing trustee areas in the district, whichever is the later.

SEC. 5. Section 1443 of the Education Code (as added by Chapter 429 of the Statutes of 1967) is amended and renumbered to read:

1444. The governing board of a school district may direct the county superintendent of schools to recount the votes cast in any one or more precincts established for an election conducted within the district on a proposal for the issuance of bonds or change of district tax rate by the district, if the board determines that the result of the election could be reversed on

the basis if 1 percent or less of the total number of votes cast at the election, and that there is a reasonable probability that the recount will change the result of the election. The action of the board shall be taken by resolution, approved and signed by no fewer than two-thirds of the members of the board.

The cost of the recount shall be deemed to be a cost of the election, and shall be paid as required by Article 10 (commencing with Section 1421) of this chapter.

SEC. 6. Section 3100.6 of the Education Code (as added by Chapter 1209 of the Statutes of 1967) is amended and renumbered to read:

3100.7. On or before June 4, 1968, an election shall be held within any school district territory which has not been included within a unified school district and within which no such election was held after July 1, 1964, on the question of the approval of a master plan developed under Chapter 9 of this division or plans and recommendations developed under this chapter, which will effect the reorganization of the territory involved to comply with standards prescribed. A like election shall be held on the date of each succeeding presidential primary election. Like elections may be held in such territory at any time in odd-numbered years, and on the date of each gubernatorial primary election. Such like elections shall be called upon order of the county committee on school district organization, upon order resulting from the action of the governing boards of a majority of the school districts in the territory proposed to be reorganized, or by order resulting from the action of the governing boards of school districts which have enrolled in the schools under their collective jurisdictions a majority of the pupils in grades kindergarten through 12, inclusive, enrolled in all of the schools within the territory.

The county committee on school district organization shall, for purposes of any such election, develop any necessary master plan or plans and recommendations. In the event the county committee fails to do so, the election shall be based upon the master plan or plans and recommendations for the territory most recently approved by the State Board of Education.

A unified school district formed by operation of Section 1976 shall not be deemed to be unified for purposes of exemption from the requirements prescribed by the preceding provisions of this section, unless district conforms to the requirements prescribed by Section 17672 or Section 17673.

It is the intent and purpose of the Legislature that eligibility for the increase in foundation program provided for pursuant to Section 17676 of this code for any school district shall be determined, for the fiscal year in which this act becomes effective, and fiscal years thereafter, on the basis of whether elections have been held within the time limits specified by this section.

On and after the effective date of this section, as enacted at the 1967 Regular Session of the Legislature, this section shall supersede the provisions of Section 3100.5 and all other provisions of Chapter 143 of the Statutes of 1967.

SEC. 7. Section 6802.5 of the Education Code is repealed.

SEC. 8. Section 13206 of the Education Code is amended to read:

13206. Upon the becoming final of the conviction of the holder of any credential, including a life diploma, or document, issued by the State Board of Education of a violation, or attempted violation, of any one or more of Penal Code Sections 187 to 191, 192 insofar as said section relates to voluntary manslaughter, 193, 194–232, both inclusive, 244, 245, 261 to 267, both inclusive, 273a, 273f, 273g, 278, 285 to 288a, both inclusive, 424, 425, 484 to 488, both inclusive, insofar as said sections relate to felony convictions, 503 and 504, or of Penal Code Section 272, the State Board of Education shall forthwith revoke the credential, life diploma, or document.

SEC. 9. Section 13208 of the Education Code is amended to read:

13208. Whenever the holder of any credential, life diploma, or document issued by the State Board of Education has been determined to be a sexual psychopath under the provisions of Article 1 (commencing with Section 5500) Chapter 1, Part 1.5, Division 6 of the Welfare and Institutions Code or under similar provisions of law of any other state, the State Board of Education shall forthwith suspend the credential, life diploma, or document. If the determination is reversed and the holder is determined not to be a sexual psychopath in a new proceeding or the proceeding to determine whether he is a sexual psychopath is dismissed, the board shall forthwith terminate the suspension of the credential, life diploma, or document. When the determination becomes final, the board shall forthwith revoke the credential, life diploma, or document.

SEC. 10. Section 13217 of the Education Code is amended to read:

13217. Upon the becoming final of the conviction of the holder of a certificate issued by a county board of education of a violation or attempted violation of any one or more of Penal Code Sections 187 to 191, 192 insofar as said section relates to voluntary manslaughter, 193, 194–232, both inclusive, 244, 245, 261 to 267, inclusive, 273a, 273f, 273g, 278, 285 to 288a, both inclusive, 424, 425, 484 to 488, both inclusive, insofar as said sections relate to grand theft, 503 and 504, or of Penal Code Section 272, the county board of education shall forthwith revoke the certificate.

SEC. 11. Section 13219 of the Education Code is amended to read:

13219. Whenever the holder of a certificate issued by a county board of education has been determined to be a sexual

psychopath under the provisions of Article 1 (commencing with Section 5500), Chapter 1, Part 1.5, Division 6 of the Welfare and Institutions Code or under similar provisions of law of any other state, the county board of education shall forthwith suspend the certificate. If the determination is reversed and the holder is determined not to be a sexual psychopath in a new proceeding or the proceeding to determine whether he is a sexual psychopath is dismissed, the board shall forthwith terminate the suspension of the certificate. When the determination becomes final, the board shall forthwith revoke the certificate.

SEC. 12. Section 13256 of the Education Code is amended to read:

13256. Governing boards of school districts shall not employ or retain in employment any person in public school service who has been determined to be a sexual psychopath under the provisions of Article 1 (commencing with Section 5500), Chapter 1, Part 1.5, Division 6 of the Welfare and Institutions Code or under similar provisions of law of any other state. If, however, such determination is reversed and the person is determined not to be a sexual psychopath in a new proceeding or the proceeding to determine whether he is a sexual psychopath is dismissed, this section does not prohibit his employment thereafter.

SEC. 13. Section 13583 of the Education Code is amended to read:

13583. The governing board of a school district shall prescribe written rules and regulations, governing the personnel management of the classified service, which shall be printed and made available to employees in the classified service, the public, and those concerned with the administration of this section, whereby such employees are designated as permanent employees of the district after serving a prescribed period of probation which shall not exceed one year.

Any employee designated as a permanent employee shall be subject to disciplinary action only for cause as prescribed by rule or regulation of the governing board, but the governing board's determination of the sufficiency of the cause for disciplinary action shall be conclusive.

The governing board shall adopt rules of procedure for disciplinary proceedings which shall contain a provision for informing the employee by written notice of the specific charges against him, a statement of his right to a hearing on such charges, and the time within which such hearing may be requested which shall be not less than five days after service of the notice to the employee, and a card or paper, the signing and filing of which shall constitute a demand for hearing, and a denial of all charges. The burden of proof shall remain with the governing board, and any rule or regulation to the contrary shall be void.

No disciplinary action shall be taken for any cause which arose prior to the employee's becoming permanent, nor for any cause which arose more than two years preceding the date of the filing of the notice of cause unless such cause was concealed or not disclosed by such employee when it could be reasonably assumed that the employee should have disclosed the facts to the employing district.

This section shall apply only to districts not incorporating the merit system as outlined in Article 5 (commencing with Section 13701) of this chapter.

SEC. 14. Section 13587 of the Education Code is amended to read:

13587. No person shall be employed or retained in employment by a school district who has been determined to be a sexual psychopath under the provisions of Article 1 (commencing with Section 5500), Chapter 1, Part 1.5, Division 6 of the Welfare and Institutions Code or under similar provisions of law of any other state If, however, such determination is reversed and the person is determined not to be a sexual psychopath in a new proceeding or the proceeding to determine whether he is a sexual psychopath is dismissed, this section does not prohibit his employment thereafter.

SEC. 15. Section 14309 of the Education Code is amended to read:

14309. Except as otherwise provided in this section and Section 14376, no person retired for service shall accept employment in a status requisite for membership in the Retirement System (including, with respect to persons retired after October 1, 1945, a status in which the person may elect membership in this or another retirement system, and only while such status includes the right of election), or in any teaching capacity in a public school, within two years after the effective date of retirement, and in any event not until after notifying the Retirement Board at its office in Sacramento, and if retirement is for disability, until the board has determined by medical examination, that he is no longer incapacitated. If any person fails to comply with these requirements, the employment shall be invalid.

SEC. 16. Section 16056.1 of the Education Code is amended to read:

16056.1. In lieu of the declaration of intention to lease real property provided in Section 16056, the governing board of any school district having an average daily attendance of 400,000 or more as shown by the annual report of the county superintendent of schools for the preceding year may publish a notice three times in a period of not less than 15 days in a newspaper of general circulation published in the district. The notice shall describe the property proposed to be leased in such manner as to identify it and shall specify the minimum rental and terms upon which it will be leased. The notice shall fix a time not less than 15 days thereafter for a public meeting of

the governing board to be held at its regular place of meeting at which proposal to lease will be received and considered.

The governing board by majority vote may adopt a ruling delegating to such officer or employee of the district as the board may designate, authority to perform the duties prescribed in this section.

Bids received under this section shall be received, accepted, or rejected in accordance with the provisions of this article.

SEC. 17. Section 17253 of the Education Code is repealed.

SEC. 18. Section 17611.5 of the Education Code is repealed.

SEC. 19. Section 17708 of the Education Code is repealed.

SEC. 20. Section 18056.1 of the Education Code is amended to read:

18056.1. Whenever a unified district is formed under Section 1976, if such formation occurred without any affirmative action taken by the electors of such district, and if it is necessary for the newly formed unified district, because of lack of adequate facilities, to contract with another school district under the provisions of Section 11256 for the education of a part of its day pupils, the Superintendent of Public Instruction shall allow to such district an amount equal to the total current expenses for the transportation of pupils determined by him to have been required because of the education of pupils in another district. No allowance shall be approved under this section subsequent to the close of the third fiscal year following that in which the district was formed.

SEC. 21. Section 18058.1 of the Education Code is amended to read:

18058.1. Whenever a unified district is formed under Section 1976, if such formation occurred without any affirmative action taken by the electors of such district, and if it is necessary for the newly formed unified district, because of lack of adequate facilities, to contract with another school district under the provisions of Section 11256 for the education of a part of its day pupils, the Superintendent of Public Instruction shall allow to such district, in addition to the current expenses allowed under Section 18056.1 an amount equal to the cost of schoolbuses, as determined by him to have been required for the transportation pupils to such district, purchased during any of the first three fiscal years following that in which the district was formed. In each of the nine consecutive fiscal years following the close of the third fiscal year in which the district was formed, the Superintendent of Public Instruction shall reduce the allowance to which the district is otherwise entitled under Section 18056 by an amount equal to one-twelfth of the actual cost of such buses purchased or the amount computed pursuant to Section 18056, whichever is the lesser.

SEC. 22. Section 19611.5 of the Education Code is repealed.

SEC. 23. Section 19619.1 of the Education Code is repealed.

SEC. 24. Section 19654 of the Education Code is repealed.

SEC. 25. Section 20051 of the Education Code is amended to read:

20051. As used in this chapter, the term "junior college" shall mean grades 13 and 14 of a junior college school; and the term "junior college district" shall mean any district authorized by law to maintain a junior college.

SEC. 26. Section 20753 of the Education Code is repealed.

SEC. 27. Section 21306 of the Education Code is repealed.

SEC. 28. Section 24002 of the Education Code is amended to read:

24002. (a) All money received from the sale of publications pursuant to Section 23616, all money received under an agreement entered into pursuant to Section 23608 except recovery of contributions to the State Employees' Retirement Fund, and all money collected as fees from students in any state college and from other persons under Section 23604, Sections 23608 to 23612, inclusive, and Sections 23751, 23754, 23759, 23760, and 24000, and by reason of Section 2080.9 of the Civil Code, is hereby appropriated for the support of the California State Colleges in addition to such other amounts as may be appropriated therefor by the Legislature, and such money received under Section 24000, or received by reason of Section 2080.9 of the Civil Code, is appropriated without regard to fiscal year; provided, that money received by reason of Section 2080.9 of the Civil Code shall be used for student scholarships and loans pursuant to such regulations as the trustees shall provide, and while held pending the grant of a scholarship or loan, may be invested by the State Treasurer upon approval of the trustees, in those eligible securities listed in Section 16430 of the Government Code, in which case all interest or other earnings received pursuant to such investment shall also be used for such scholarships and loans. Except as otherwise provided with respect to money received by reason of Section 2080.9 of the Civil Code, all money received pursuant to this section shall augment such support appropriation of the California State Colleges current at the date of issuance of the State Controller's receipt therefor as may be designated by the trustees prior to their deposit in the State Treasury.

(b) All money received from the sale or the disposition of real property acquired by or on behalf of a particular state college by gift, devise, or donation pursuant to Section 24000 or pursuant to the predecessor of that section is hereby appropriated to the trustees for expenditure for capital outlay for, or the acquisition and improvement of real property for, such particular state college, in addition to such other amounts as may be appropriated therefor by the Legislature. All money received from the sale or other disposition of personal property, other than money, acquired by or on behalf of a particular state college by gift, bequest, or donation pursuant to Section 24000 or pursuant to the predecessor of that section is hereby appropriated to the trustees for expenditure for capi-

tal outlay for, or the acquisition and improvement of real or personal property for, such particular state college, in addition to such other amounts as may be appropriated therefor by the Legislature. No money shall be expended by the trustees under this subdivision without the approval of the Director of Finance. Such money shall augment such support or capital outlay appropriation of the California State Colleges current at the date of issuance of the State Controller's receipt therefor as may be designated by the trustees prior to their deposit in the State Treasury.

SEC. 29. Section 25457.6 of the Education Code is amended to read:

25457.6. A county committee on school district organization may formulate plans and recommendations for the formation of a junior college district as a preliminary step to the inclusion of such district in a larger junior college district for which plans and recommendations have been or are being formulated. The plans and recommendations for the proposed district to be formed as a preliminary step and the plans and recommendations for the proposed larger district shall be submitted to and considered by the State Board of Education at the same time, as though the whole were a single proposal.

Plans and recommendations formulated pursuant to this section may include a requirement that bonds of the preliminary junior college district be authorized in an amount specified by the county committee on school district organization for the purpose of paying an equitable share of the cost of the property to be owned or held by the larger junior college district in which the preliminary junior college district is to be included. When such a requirement is included in the plans and recommendations, the county superintendent shall call and conduct a bond election to be held concurrently with the election on formation of the preliminary junior college district.

Sections 25431 and 25431.5 of this code shall not apply to the formation of a junior college district as a preliminary step to the inclusion of such district in a larger junior college district.

If plans and recommendations submitted pursuant to this section are approved by the State Board of Education, the county superintendent of schools shall call elections on the question of approval of each of the proposals on dates fixed by the county committee on school district organization, but with the dates of the elections on the formation of the preliminary junior college district and the formation of the larger junior college district to be no less than 60 days apart. The election on the formation of the larger junior college district shall be held only if the election on the formation of the preliminary junior college district and, if required, the bond election are successful.

If an election to form a junior college district as a preliminary step to the inclusion of such a district in a larger junior college district is successful, the district shall not become effective for any purpose until the formation of the larger junior college district has been approved at an election and the election results have been certified as required by law.

CHAPTER 218

An act to maintain the Welfare and Institutions Code by amending Sections 727, 929, 1834, 1712, 11050, 14053, 16300 and 17108, relating to welfare and institutions.

[Approved by Governor May 29, 1968 Filed with Secretary of State May 29, 1968]

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

SECTION 1. Section 727 of the Welfare and Institutions Code is amended to read:

727. When a minor is adjudged a dependent child of the court, on the ground that he is a person described by Section 600, the court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of such minor, including medical treatment, subject to further order of the court.

The court may order the care, custody, control and conduct of such minor to be under the supervision of the probation officer or may commit such minor to the care, custody and control of:

(a) Some reputable person of good moral character who consents to such commitment.

(b) Some association, society, or corporation embracing within its objects the purpose of caring for such minors, with the consent of such association, society, or corporation.

(c) The probation officer, to be boarded out or placed in some suitable family home or suitable private institution, subject to the requirements of Chapter 1 (commencing with Section 16000) of Part 4 of Division 9; provided, however, that pending action by the State Department of Social Welfare, the placement of a minor in a home certified as meeting minimum standards for boarding homes by the probation officer shall be legal for all purposes.

(d) Any other public agency organized to provide care for needy or neglected children.

SEC. 2. Section 929 of the Welfare and Institutions Code is amended to read:

929. The earnings of the minor shall be collected by the juvenile work furlough administrator, and it shall be the duty of the minor's employer to transmit such wages to the administrator at the latter's request. Earnings levied upon

pursuant to writ of attachment or execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such request shall have priority. When an employer transmits such earnings to the administrator pursuant to this section he shall have no liability to the minor for such earnings. From such earnings the administrator shall pay the minor's board and personal expenses, both inside and outside the juvenile detention facility, and shall deduct so much of the costs of administration of this article as is allocable to such minor. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the minor, pay, in whole or in part, the preexisting debts of the minor. Any balance shall be retained until the minor's discharge and thereupon shall be paid to him.

SEC. 3. Section 1834 of the Welfare and Institutions Code is amended to read:

1834. The earnings of the ward shall be collected by the Youth Authority work furlough administrator, and it shall be the duty of the ward's employer to transmit such wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of attachment or execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such request shall have priority. When an employer transmits such earnings to the administrator pursuant to this section he shall have no liability to the ward for such earnings. From such earnings the administrator shall pay the ward's board and personal expenses, both inside and outside the detention facility, and shall deduct so much of the costs of administration of this article as is allocable to such ward. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the ward, pay, in whole or in part, the preexisting debts of the ward. Any balance shall be retained until the ward's discharge and thereupon shall be paid to him.

SEC. 4. Section 1712 of the Welfare and Institutions Code is amended to read:

1712. The eight positions on the authority shall be filled by appointment by the Governor of persons meeting the requirements of this chapter subject to confirmation by the Senate.

SEC. 5. Section 11050 of the Welfare and Institutions Code is amended to read:

11050. Except as provided in Section 11403 of this code, applications for public social services or public assistance by any person, or in behalf of any person, shall be made to the county department in the county in which the applicant is living. The application may be made in writing or reduced to writing upon the standard form prescribed in regulations of the department and a copy shall be furnished to each applicant at the time of the application.

SEC. 6. Section 14053 of the Welfare and Institutions Code is amended to read:

14053. "Health care and related remedial or preventive service" means:

1. Inpatient hospital services (other than services in a medical institution for tuberculosis or mental diseases except to the extent permitted by federal law) in and by a medical institution or facility operated by, or licensed by, the United States, one of the several states, a political subdivision of a state, the State Department of Public Health, or exempt from such licensure pursuant to subdivision (c) of Section 1415 of the Health and Safety Code.

2. Outpatient hospital services.

3. Laboratory and X-ray services.

4. Skilled nursing home services (other than services in a medical institution for tuberculosis or mental diseases except to the extent permitted by federal law), as defined for the purpose of securing federal approval of a plan under Title XIX of the Federal Social Security Act, to persons 21 years of age or older, or to persons under 21 years of age to the extent permitted by federal law.

5. Physicians' services, whether furnished in the office, the patient's home, a hospital, or a skilled nursing home, or elsewhere.

6. Medical care, or any other type of remedial care recognized under the laws of this state, furnished by licensed practitioners within the scope of their practice as defined by the laws of this state. Other remedial care shall include, without being limited to, treatment by prayer or healing by spiritual means in the practice of any church or religious denomination insofar as these can be encompassed by federal participation under an approved plan.

7. Home health care services.

8. Private duty nursing services.

9. Outpatient clinic services.

10. Dental services.

11. Physical therapy and related services.

12. Prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select.

13. Other diagnostic, screening, preventive, or rehabilitative services.

14. Inpatient hospital services and skilled nursing home services for any individual 65 years of age or over in an institution for tuberculosis or mental diseases except that basic health care shall not include any of the care and services specified in paragraphs 1 through 14 for any person who is an inmate of a public custodial or correctional institution or any person who has not attained 65 years of age and is a patient

in a medical institution for tuberculosis or mental diseases except to the extent permitted by federal law.

15. Except that such term shall not include

a. Any care or services for any individual who is an inmate of a public institution (except as a patient in a medical institution); or

b. Any care or services for any individual who has not attained 65 years of age and who is a patient in an institution for tuberculosis or mental diseases.

SEC. 7. Section 16300 of the Welfare and Institutions Code is amended to read:

16300. Any organization or person may receive transfers of property from an aged person, conditioned upon an agreement to furnish life care or care for a period of more than one year, which agreement may include the cash payment of personal and incidental expenses to the transferor or his nominee; provided, such organization or person has received a written license or permit pursuant to Section 16200 or 6201 of this code or Chapter 2 of Division 2 of the Health and Safety Code, and such organization or person has been granted a certificate of authority by the department.

Organizations or persons who furnish care exclusively under agreements, which may be canceled by either party without cause, are required to obtain a certificate of authority from the department for all agreements issued after October 1, 1957, if payment or transfer of property is made in advance to cover cost of care for one year or more; provided, however, that, if any such organization or person is a nonprofit benevolent organization, which accepts property in an amount less than the cost of care, the amount of reserve required of it under Section 16304 shall be reduced in the same proportion as the estimated cost of care bears to the value of the property transferred.

SEC. 8. Section 17108 of the Welfare and Institutions Code is amended to read:

17108. The policies established under Section 17107 shall not deny needed care in a county hospital or contract hospital, as defined in Section 14554 of this code, to any person who meets the eligibility requirements for medical assistance for the aged, and shall not require the application of any property of such a person to his support or the taking of any lien upon that property.

CHAPTER 219

An act to repeal Section 22518 of the Vehicle Code, relating to the parking of occupied vehicles, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 29, 1968. Filed with Secretary of State May 29, 1968.]

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

SECTION 1. Section 22518 of the Vehicle Code is repealed.

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

It is necessary to clarify the presently confused situation of what parking of motor vehicles is unlawful under state law and what authority cities, counties and other governmental agencies have to regulate the parking of motor vehicles and to aid the safety of the traveling public.

CHAPTER 220

An act to add Sections 2840.1, 28406, 28407, and 28408 to, and to amend Section 28402 of the Education Code, relating to school district public libraries, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 29, 1968. Filed with Secretary of State May 29, 1968.]

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

SECTION 1. Section 28401.1 is added to the Education Code, to read:

28401.1. In determining the amount of bonds to be issued and sold, the board of trustees may include:

(a) Legal or other fees incidental to or connected with the authorization, issuance and sale of the bonds.

(b) The costs of printing the bonds and other costs and expenses incidental to or connected with the authorization, issuance and sale of the bonds.

If such a determination is made, the proceeds of the sale of the bonds may be used to pay such costs and fees.

SEC. 2. Section 28402 of the Education Code is amended to read:

28402. The hours during which the polls shall be opened at the election shall be as established by the board, but in no event for less than nine hours.

SEC. 2.5. Section 28406 is added to the Education Code, to read:

28406. Notice of election shall be given substantially in the manner and for the time provided in Section 28102.

SEC. 3. Section 28407 is added to the Education Code, to read:

28407. Any election called pursuant to this article may be consolidated with any other election pursuant to the provisions of Chapter 4 (commencing with Section 23300) of Part 2 of Division 12 of the Elections Code. In such event, the provisions of law governing such other election with respect to the manner of marking ballots and hours of elections shall apply.

SEC. 4. Section 28408 is added to the Education Code, to read:

28408. No error, irregularity, or omission which does not affect the substantial rights of the taxpayers within the district or the electors voting at any election at which bonds of any district are authorized to be issued shall invalidate the election or any bonds authorized by such election.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to assure the validity of the authorization of bonds of unified school district library districts and to provide specific authorization for the consolidation of such elections with the 1968 direct primary election, it is necessary that this act take effect immediately.

CHAPTER 221

An act to amend Section 16851 of the Education Code and Section 545 of the Vehicle Code, relating to schoolbuses, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 29, 1968. Filed with Secretary of State May 29, 1968.]

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

SECTION 1. Section 16851 of the Education Code is amended to read:

16851. A schoolbus is defined as any motor vehicle while being used for the transportation of any school pupil at or below the 12th-grade level to and from a public school or to and from public school activities, except the following:

(a) A passenger vehicle designed for and when actually carrying not more than eight persons, including the driver.

(b) A nine-passenger station wagon when used for the transportation of not more than eight pupils and the driver,

other than the regular transportation of pupils to and from a public school or the transportation of mentally retarded or physically handicapped pupils.

(c) A motor vehicle of any type carrying only members of the household of the owner thereof.

(d) A motor vehicle operated by a common carrier, or by and under exclusive jurisdiction of a publicly owned transit system, on scheduled runs but not used exclusively for the transportation of school pupils.

(e) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, or by a passenger charter-party carrier and used under a contractual agreement to transport pupils to and from school activities but not used regularly to transport pupils to and from a public school.

SEC. 2. Section 545 of the Vehicle Code is amended to read:

545. A "schoolbus" is any motor vehicle while being used for the transportation of any school pupil at or below the 12th-grade level to and from a public or private school or to and from public or private school activities, except the following:

(a) A passenger vehicle designed for and when actually carrying not more than eight persons, including the driver.

(b) A nine-passenger station wagon when used for the transportation of not more than eight pupils and the driver, other than the regular transportation of pupils to and from a public or private school or the transportation of mentally retarded or physically handicapped pupils.

(c) A motor vehicle of any type carrying only members of the household of the owner thereof.

(d) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, on scheduled runs but not used exclusively for the transportation of school pupils.

(e) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, or by a passenger charter-party carrier and used under a contractual agreement to transport pupils to and from school activities but not used regularly to transport pupils to and from a public or private school.

SEC. 3. Section 16851 of the Education Code is amended to read:

16851. A schoolbus is defined as any motor vehicle while being used for the transportation of any school pupil at or below the 12th-grade level to and from a public school or to and from public school activities, except the following:

(a) A passenger vehicle designed for and when actually carrying not more than eight persons, including the driver.

(b) A nine-passenger station wagon when used for the transportation of not more than eight pupils and the driver, other than the regular transportation of pupils to and from a

public school or the transportation of mentally retarded or physically handicapped pupils.

(c) A motor vehicle of any type carrying only members of the household of the owner thereof.

(d) A motor vehicle operated by a common carrier, or by and under exclusive jurisdiction of a publicly owned transit system, on scheduled runs but not used exclusively for the transportation of school pupils.

(e) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, or by a passenger charter-party carrier and used under a contractual agreement to transport pupils to and from school activities but not used regularly to transport pupils to and from a public school.

Notwithstanding any other provisions of this section, the governing board of a district maintaining a junior college may, by resolution, designate any motor vehicle operated by or for the district, a schoolbus within the meaning of this section, while it is being used for the transportation of any junior college students to and from a public junior college or to and from public junior college activities. The designation shall not be effective until written notification thereof has been filed with the Superintendent of Public Instruction.

SEC. 4. Section 545 of the Vehicle Code is amended to read:

545. A "schoolbus" is any motor vehicle while being used for the transportation of any school pupil at or below the 12th-grade level to and from a public or private school or to and from public or private school activities, except the following:

(a) A passenger vehicle designed for and when actually carrying not more than eight persons, including the driver.

(b) A nine-passenger station wagon when used for the transportation of not more than eight pupils and the driver, other than the regular transportation of pupils to and from a public or private school or the transportation of mentally retarded or physically handicapped pupils.

(c) A motor vehicle of any type carrying only members of the household of the owner thereof.

(d) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, on scheduled runs but not used exclusively for the transportation of school pupils.

(e) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, or by a passenger charter-party carrier and used under a contractual agreement to transport pupils to and from school activities but not used regularly to transport pupils to and from a public or private school.

Notwithstanding any other provisions of this section, the governing board of a district maintaining a junior college may, by resolution, designate any motor vehicle operated by or

for the district, a schoolbus within the meaning of this section, while it is being used for the transportation of any junior college students to and from a public junior college or to and from public junior college activities. The designation shall not be effective until written notification thereof has been filed with the Superintendent of Public Instruction.

SEC. 5. Sections 3 and 4 of this act shall become operative only if Senate Bill No. 27 is enacted by the Legislature at its 1968 session, and in such case at the same time as Senate Bill No. 27 takes effect; at which time Section 16851 of the Education Code, as amended by Section 1 of this act and Section 545 of the Vehicle Code, as amended by Section 2 of this act, are repealed.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Owners of private student housing, who have been furnishing transportation to and from public, private, and parochial schools for pupils above the 12th-grade level, are being prevented from using motor vehicles to provide such transportation unless the motor vehicles are made to conform with all of the requirements for schoolbuses. Such requirements are not applicable to similar motor vehicles operated by the University of California, a California state college or a junior college. Unless this statute, which would exempt these buses from the schoolbus requirements, becomes effective immediately many of the pupils who have been depending upon the owners of the private student housing for transportation to and from public, private, and parochial schools will be unable to attend such schools and complete their educations.

CHAPTER 222

An act to amend Section 186 95 of the Streets and Highways Code, providing for allocation of funds pursuant to the Emergency Flood Relief Law for the repair, restoration, or replacement of public property damaged or destroyed by storm and flood or flood conditions, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 29, 1968 Filed with Secretary of State May 29, 1968.]

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

SECTION 1. The unexpended balance of the appropriation made by Item 446.7, Budget Act of 1958, as amended by Sec-

tion 12, Budget Act of 1960, and Section 11.4, Budget Act of 1967, is appropriated to the Department of Finance for expenditure for the purposes of the Emergency Flood Relief Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5, Government Code) for damage or destruction to public real property, other than the repair, restoration, or replacement of streets, roads, and bridges, by flood conditions arising from tidal waves which occurred between March 1, 1964, and April 30, 1964, or by storm and flood or flood conditions, including damage or destruction by flood conditions arising from tidal waves, which occurred between November 1, 1967, and June 30, 1968, and the local agency applies to the Department of Finance for an allocation of funds on or before October 1, 1968.

The money appropriated by this section shall remain available for expenditure until June 30, 1969.

SEC. 2. The funds made available by Section 1 of this act may also be expended for the purposes described in Section 54155 of the Government Code.

SEC. 3. Allocations of funds under Section 1 of this act may be expended, if the local agency so elects, for the repair, restoration, or replacement of a public building to present-day standards; provided, that the square footage of such building is not increased thereby.

SEC. 4. Notwithstanding the provisions of Section 54157 of the Government Code, whenever the Department of Finance determines that a local agency to which funds available pursuant to Section 1 of this act are proposed to be allocated is financially unable to meet the matching requirements set forth in Section 54157 of the Government Code due to exhaustion of its financial resources because of disaster expenditures, the provisions of Section 54157 of the Government Code shall not apply, and the Department of Finance may allocate funds available pursuant to Section 1 of this act to pay all of the cost of repairing, restoring, or replacing public buildings of such local agency or such portion of such cost as the department determines is necessary to accomplish the project, taking into consideration the financial ability of the local agency to meet the matching requirements of Section 54157 of the Government Code, less any money provided by the United States or any agency thereof for any portion of the cost of the project; provided, that the total amount of state funds allocated for any one project pursuant to this section shall not exceed the sum of two hundred thousand dollars ($200,000).

SEC. 5. The money in the Street and Highway Disaster Fund under subdivision (b) of Section 186 95 of the Streets and Highways Code shall be available for expenditure for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law, including the purposes provided for in Section 54160 of the Government Code, for the repair or restoration of any local street, road, or bridge damaged or destroyed by storm and flood or flood conditions, including

damage or destruction by flood conditions arising from tidal waves, occurring between November 1, 1967, and June 30, 1968; provided, that the local agency has applied to the State Allocation Board for an allocation of funds on or before October 1, 1968.

SEC. 6. Whenever the Department of Finance determines that a local agency which would otherwise be eligible for an allocation under the formula of Section 54157 of the Government Code is unable to finance the work due to exhaustion of its financial resources because of disaster expenditures, the State Allocation Board may allocate funds available pursuant to Section 5 of this act to pay such portion of the cost of repairing, restoring, or replacing the streets, roads and bridges of such local agency as the department has determined is necessary to accomplish such work; provided, that the amount contributed by each local agency shall not be reduced to less than an amount of money equal to the amount allocated to such local agency for the 1966-67 fiscal year pursuant to subdivision (b) of Section 2110 of the Streets and Highways Code; and provided, further, that if the local agency is a county, the Department of Finance, in determining whether the county's financial resources are exhausted, shall ascertain whether the county has levied, during the then current year, the maximum property tax for highway purposes authorized by Section 1550 of the Streets and Highways Code in the road district in which the work is proposed, and if such tax is being levied at less than the maximum rate authorized by Section 1550, the amount to be allocated by the State Allocation Board under this section shall be reduced by an amount equivalent to the difference between the revenue derived from the property tax being levied for highway purposes in such road district and the revenue which would have been derived from such tax at the maximum rate authorized by Section 1550. In determining if a county has levied sufficient taxes, amounts to be received from other taxes levied by that county and used for road purposes shall be included.

SEC. 7. Section 186.95 of the Streets and Highways Code is amended to read:

186.95. The Street and Highway Disaster Fund is hereby created in the State Treasury, to consist of the moneys referred to in Section 186.9.

The moneys in the Street and Highway Disaster Fund, which are appropriated by Section 186.9, shall be available for expenditure, transfer, and allocation, as follows:

(a) The money transferred to the fund pursuant to subdivision (a) of Section 186.9 shall be available for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5 of the Government Code), including the purposes provided for in Section 54160 of the Government Code, for damage or destruction to local streets, roads and bridges from storm and flood or flood

conditions which have occurred between December 1, 1964, and June 30, 1965. Local agencies shall apply to the State Allocation Board for an allocation of funds on or before April 1, 1966. Notwithstanding any provisions to the contrary in the Emergency Flood Relief Law, the funds allocated pursuant to this subdivision may be used for the purpose of repairing, restoring or replacing such local streets, roads or bridges to present-day standards, such as those referred to in Section 186.8 of this code, and to accommodate present traffic.

(b) The money in the fund including the money received from the federal government as reimbursement to any city or county for the repair or restoration of any street, road or bridge which has been or will be repaired or restored in part or in whole by funds allocated pursuant to this section shall be available for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law for the repair or restoration of any local street, road or bridge damaged or destroyed by any disaster to present-day standards such as those referred to in Section 186.8 of this code, and to accommodate present traffic; and the use of such money shall not be limited to the repair or restoration of streets, roads or bridges damaged or destroyed by storm and flood or flood conditions; provided, that no such money shall be allocated for expenditure in connection with any disaster, except the damage or destruction to local streets, roads or bridges damaged or destroyed by storm and flood or flood conditions which have occurred between December 1, 1964, and June 30, 1965, unless and until specifically authorized by the Legislature.

(c) The money in the fund received from the federal government as reimbursement to the state for the repair or restoration of any state highway which has been or will be repaired or restored in part or in whole by funds transferred to the State Highway Fund pursuant to subdivision (b) of Section 186.9 or by funds expended pursuant to this section shall be available for transfer by the Department of Finance to the State Highway Fund for allocation by the California Highway Commission and expenditure by the Department of Public Works for the repair or restoration of any state highway damaged or destroyed by any disaster to present-day standards and to accommodate present traffic.

(d) Any money in the fund not necessary for immediate use for the purposes otherwise specified in this section shall be available for transfer by the Department of Finance to the State Highway Fund for allocation and expenditure for construction of state highways, but any amount so transferred shall, after receipt by the Department of Public Works of written demand from the Department of Finance, be returned from the State Highway Fund to the Street and Highway Disaster Fund upon determination by the Department of Finance of the necessity of such money for the purposes of this section within a period of not to exceed six months in such install-

ments as may be agreed upon by the Department of Finance and the Department of Public Works.

(e) If the Department of Finance determines the cash balance of the money in the fund under subdivision (b) of this section is temporarily insufficient to make payments for purposes authorized under subdivision (b), and the Department of Public Works determines the cash balance of the money in the fund under subdivision (c) in an amount not to exceed two million dollars ($2,000,000) is not needed for immediate use for the purposes specified therein, the Department of Finance may transfer such amount to subdivision (b) for expenditure pursuant to that subdivision; provided, however, that such transfer shall not be made until the Department of Public Works and the Department of Finance have entered into an agreement providing that the Department of Finance, upon receipt of written demand from the Department of Public Works, shall repay all such amounts by transfer of money in the fund under subdivision (b) to subdivision (c) in such installments as may be agreed to by the Department of Public Works and the Department of Finance.

(f) Notwithstanding any other provision of this section, money in the fund under subdivision (b) may be allocated by the State Allocation Board for expenditure pursuant to Section 54155 of the Government Code.

(g) Income from investment of moneys in the fund and all payments by local agencies in reimbursement of moneys disbursed from the fund, including deferred payments with interest, pursuant to Government Code Sections 54160 and 54161, and all other moneys deposited therein, pursuant to law, shall be available for expenditure, transfer and allocation pursuant to this section.

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:

Annual storms and floods occurring in various counties of the state have caused and are expected to cause severe damage and destruction to essential local streets, roads and bridges, public facilities and property in said counties, including public facilities supplying domestic water to inhabitants thereof. In order that funds may be made available immediately for the repair, restoration, or replacement of such local streets, roads and bridges, public facilities and property, it is essential that this act go into immediate effect.

CHAPTER 223

An act to amend Section 40517 of the Vehicle Code, relating to securing change of venue.

[Approved by Governor May 29, 1968. Filed with Secretary of State May 29, 1968.]

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

SECTION 1. Section 40517 of the Vehicle Code is amended to read:

40517. (a). Whenever any person has given his written promise to appear, or has received written notice to appear, or against whom a complaint has been filed charging a violation of this code punishable as a misdemeanor requiring such person to appear before a justice court judge who is not at the county seat of the county wherein the offense is alleged to have been committed, he may demand a transfer of the case to a municipal court judge or other magistrate having jurisdiction of the offense at the county seat upon filing with such justice court judge an affidavit that he believes that a fair trial without excessive penalties cannot be had before such justice court judge. In the event that a trial date has been set before such justice court judge, such affidavit must be filed at least 10 days prior to the trial date.

(b) Thereupon the justice court judge with whom the affidavit is filed shall be without jurisdiction to proceed with the case and shall immediately transfer the case and all papers in connection therewith for further proceedings before a municipal court judge or other magistrate having jurisdiction of such offense at the county seat.

(c) The foregoing method of securing a change of venue is in addition to any other method provided by law for obtaining a change of venue.

CHAPTER 224

An act to amend Section 459 of the Elections Code, relating to registration information.

[Approved by Governor May 29, 1968. Filed with Secretary of State May 29, 1968.]

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

SECTION 1. Section 459 of the Elections Code is amended to read:

459. If the county clerk maintains tabulating cards containing the information set forth in the affidavits of registration of voters, or sets forth that information on electronic data-processing tape, he shall provide, not less than 30 days prior to each direct primary election and general election, one set of

those cards or a copy of the tape, applicable to voters of a political party, to the county central committee of that party for all voters allowed to participate in the subsequent direct primary election or general election, if the committee has requested the same at least six months prior to the close of registration for the direct primary election or the general election. The cards or tape shall be provided without charge.

The county clerk, upon demand of the chairman of a county central committee, and under the conditions set forth in the preceding paragraph, shall sell to the committee a set of cards or a copy of the tape applicable to voters of a political party other than the party represented by the committee for all voters prior to the subsequent direct primary election or general election. The charge made for the cards or tape shall be an amount sufficient to reimburse the county for the expense incurred in preparing and furnishing the cards or tape.

CHAPTER 225

An act making an appropriation in augmentation of Item 89, Budget Act of 1967.

[Approved by Governor May 29, 1968. Filed with Secretary of State May 29, 1968.]

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

SECTION 1. The sum of eight hundred eighty-one thousand dollars ($881,000) is hereby appropriated from the General Fund to the University of California in augmentation of Item 89 of the Budget Act of 1967.

SEC. 2. The terms and conditions in the record paragraph of Item 89 of the Budget Act of 1967, requiring any state subsidy not required for teaching patient care at the teaching hospitals of the University of California as a result of teaching patient income from Medi-Cal and medicare to be held in reserve to offset hospital subsidy requirements for 1968–69 shall not control the appropriations made to the University of California by Item 89 of the Budget Act of 1967, or the appropriation made to the University of California by Section 1 of this act.

SEC. 3. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 226

An act to amend Section 8784 of the Streets and Highways Code, relating to the Improvement Bond Act of 1915.

[Approved by Governor May 29, 1968. Filed with Secretary of State May 29, 1968.]

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

SECTION 1. Section 8784 of the Streets and Highways Code is amended to read:

8784. If there is a surplus remaining in the redemption fund after payment of all bonds and the interest thereon, that surplus shall first be applied to repayment to the city of any special taxes levied by it for the purpose of paying for lands purchased by it under Part 13 of this division less its recovery on the lands purchased at such delinquent sale, and also of any costs incurred by it under this division. The remainder shall be repaid in accordance with the provisions of Section 8783 to persons paying supplemental assessments, if any, and the balance may be proportionately credited upon the final installments due upon the assessments securing the bonds and repaid to those persons whose assessments have been previously paid or may be transferred to the general fund of the city.

CHAPTER 227

An act to amend Section 14675.5 of the Education Code, relating to school district retirement boards, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 29, 1968. Filed with Secretary of State May 29, 1968.]

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

SECTION 1. Section 14675.5 of the Education Code is amended to read:

14675.5. Notwithstanding anything in this code, a district retirement board may invest in an amount not exceeding 20 percent of the assets of such plan in securities, whether or not they are expressly authorized, and whether or not they qualify as investments for savings banks, in which in the informed opinion of the district retirement board it is prudent to invest retirement funds.

Any investments as are authorized by this section in corporation shares may under the advice of proper counsel be made in an amount, determined on the basis of cost, not to exceed 10 percent of the assets of the retirement fund in the first two years after the effective date of this section, not to exceed 15 percent during the third year after the effective date of this

section, and not to exceed 20 percent thereafter, in common or preferred stock or shares, of corporations created or existing under the laws of the United States, or any state, district, or territory thereof; provided that

(a) Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended. Such registration shall not be required with respect to the following stocks:

(1) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds, represented by capital, surplus, and undivided profits, of at least fifty million dollars ($50,000,000);

(2) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unassigned surplus, of at least fifty million dollars ($50,000,000);

(3) Any preferred stock.

(b) Such corporation has total assets of at least one hundred million dollars ($100,000,000);

(c) Bonds of such a corporation, if any are outstanding, qualify for investment of the retirement fund, and that there are no arrears of dividend payments on its preferred stock;

(d) Such corporation has paid a cash dividend on its common stock in at least 8 of the 10 years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash dividend in each of the last three years;

(e) Such investment in any one company may not exceed 5 percent of the common shares outstanding; and

(f) No single common stock investment, based on cost, may exceed 2 percent of the assets of the fund.

The board shall employ investment counsel or trust companies or trust departments of banks to render service in connection with the board's investment program in corporation shares and may pay for such service.

When an agreement is entered into by the board for consulting or management services in connection with the administration of the board's investment program, any fees stipulated in such agreement to be paid for such services shall not be considered a cost of administration but shall be considered as a reduction in earnings from such investments or a charge against the assets of the retirement fund as determined by the board.

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

In order to permit school districts maintaining retirement plans to utilize investment program for 1968–1969 fiscal year

authorized by amendment of Section 1372 of the Financial Code at the 1967 Regular Session of the Legislature, it is necessary that this act go into effect immediately.

CHAPTER 228

An act to amend Sections 243, 362, and 12804 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 29, 1968. Filed with Secretary of State May 29, 1968.]

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

SECTION 1. Section 243 of the Vehicle Code is amended to read:

243. A "camper" is a structure designed to be mounted upon a motor vehicle and to provide facilities for human habitation or camping purposes. A camper having one axle shall not be considered a vehicle.

SEC. 2. Section 362 of the Vehicle Code is amended to read:

362. A "house car" is a motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper has been permanently attached. A motor vehicle to which a camper has been temporarily attached is not a house car except that, for the purposes of Division 11 (commencing with Section 21000) and Division 12 (commencing with Section 24000), a motor vehicle equipped with a camper having an axle that is designed to support a portion of the weight of the camper unit shall be considered a three-axle house car regardless of the method of attachment or manner of registration.

SEC. 3. Section 12804 of the Vehicle Code is amended to read:

12804. (a) The examination shall include a test of the applicant's knowledge and understanding of the provisions of this code governing the operation of vehicles upon the highways, the ability to read and understand simple English used in highway traffic and directional signs, his understanding of traffic signs and signals and the applicant shall be required to give an actual demonstration of his ability to exercise ordinary and reasonable control in operating a motor vehicle by driving the same under the supervision of an examining officer and submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive. The examination shall also include a test of the hearing and eyesight of the applicant and such other matters as

may be necessary to determine the applicant's mental and physical fitness to operate a motor vehicle upon the highways and whether any ground exists for refusal of a license under this code. The examination for a class 1 or class 2 license under subdivision (b) of this section shall also include a doctor's report of a medical examination of the applicant. In establishing the requirements consideration may be given to the standards presently required of motor carrier drivers by the Interstate Commerce Commission. Any physical defect of the applicant which in the opinion of the department is compensated to insure safe driving ability shall not prevent the issuance of a license to the applicant.

(b) Any applicant for a driver's license shall be required to submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive in accordance with the following classifications:

(1) Class 1. Any combination of vehicles and includes the operation of all vehicles under class 2 and class 3.

(2) Class 2. Any bus, any "farm labor truck," any single vehicle with three or more axles, any such vehicles towing another vehicle weighing less than 6,000 pounds gross, and all vehicles covered under class 3, except that a person holding a valid class 3 license on the effective date of this act may drive a bus designed to carry not more than 15 passengers until such time as the license expires without obtaining a class 2 license.

(3) Class 3. A three-axle house car and any two-axle vehicle, except a bus or "farm labor truck" and such vehicles towing another vehicle weighing less than 6,000 pounds gross.

(c) The department may accept a certificate of driving experience in lieu of a driving test on class 1 or 2 applications when such certificate is issued by an employer of the applicant provided the applicant has first qualified for a class 3 license and also met the other examination requirements for the license for which he is applying. Such certificate may be submitted as evidence of the applicant's experience or training in the operation of the types of equipment covered by the license for which he is applying.

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:

Unless this act takes effect immediately, campers with an axle mounted on a pickup truck would result in a complete lack of uniformity in the application of highway traffic laws such as speed limits, class of drivers license, carrying of passengers and safety glass, as well as causing great inconvenience to the users of such vehicles.

CHAPTER 229

An act to add Section 65356.1 to the Government Code, relating to local planning.

[Approved by Governor May 29, 1968. Filed with Secretary of State May 29, 1968.]

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

SECTION 1. Section 65356.1 is added to the Government Code, to read:

65356.1. When it deems it to be in the public interest the legislative body may change or add to all or a part of an adopted general plan. The legislative body shall first refer the proposed change or addition to the planning commission for a report. Before making such report the planning commission shall hold at least one hearing on the proposed change or addition. Notice of the time and place of such hearing shall be given in the time and manner specified in Section 65351 of this article. The planning commission's report shall be completed not later than 90 days after the referral.

CHAPTER 230

An act to amend Section 9001 of the Fish and Game Code, relating to shrimp traps.

[Approved by Governor May 29, 1968. Filed with Secretary of State May 29, 1968.]

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

SECTION 1. Section 9001 of the Fish and Game Code is amended to read:

9001. Shrimp traps not to exceed 20 inches in width, 18 inches in height, and 24 inches in greatest length, with openings from exterior to interior not to exceed one-half inch in any dimension throughout the trap, may be used in Districts 18, 19, 19A, 19B, 20A, and 21 to take shrimp only.

CHAPTER 231

An act to amend Section 6.1 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Fourth Extraordinary Session), relating to the Ventura County Flood Control District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 29, 1968. Filed with Secretary of State May 29, 1968.]

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

SECTION 1. Section 6.1 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Fourth Extraordinary Session) is amended to read:

Sec. 6.1. The board of supervisors is authorized and empowered at any time and from time to time to create within any of the zones, described in Sections 3 to 6, inclusive, of this act, special zones for the purpose of acquiring, engineering, designing, constructing, reconstructing, maintaining, or operating any project authorized by this act or any flood control or storm drainage facilities within such special zones which in the opinion of the board will be of special benefit only to the area within the special zones. Before creating any special zone under the provisions of this section, the board of supervisors shall hold a public hearing on the proposal. Notice of the hearing shall be published in a newspaper of general circulation within the special zone, if there be one, otherwise notice of the meeting shall be posted in at least seven places within the proposed special zone. Said notice shall describe the boundaries of the proposed special zone and contain a general statement of the nature of work proposed to be done. At the hearing, any interested person may appear and protest the creation of the zone or the performance of any proposed work therein. Before final action is taken to form any special zone the exterior boundaries of which will include any land lying within the limits of any incorporated city, the board of supervisors shall have the concurrence of such city to the formation of such special zone, such concurrence to be evidenced by a resolution or ordinance adopted by a majority of the members of the governing body of such city or by a vote of a majority of the qualified electors residing in such city or portion thereof to be included in such special zone. Said election shall in all particulars be held as provided by law for holding municipal elections in said city and the cost thereof shall be a city charge.

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

Because of a recent legal interpretation of the Ventura County Flood Control Act and present flood hazard conditions in many existing secondary storm drain systems of zone three of the Ventura County Flood Control District the provisions of this act are urgently needed to permit the district

to effectively accomplish reconstruction, maintenance, and operation of such systems for the preservation of the public health and safety.

CHAPTER 232

An act to add Section 402c to the Penal Code, relating to refrigerators, iceboxes and chests of similar construction.

[Approved by Governor June 3, 1968. Filed with Secretary of State June 3, 1968.]

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

SECTION 1. Section 402c is added to the Penal Code, to read:

402c. On and after January 1, 1970, any person who sells a new refrigerator, icebox, or deep-freeze locker not equipped with an integral lock in this state, having a capacity of two cubic feet or more, which cannot be opened from the inside by the exertion of 15 pounds of force against the latch edge of the closed door is guilty of a misdemeanor.

CHAPTER 233

An act to add Section 5385 to the Public Utilities Code, relating to charter party carriers.

[Approved by Governor June 3, 1968. Filed with Secretary of State June 3, 1968.]

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

SECTION 1. Section 5385 is added to the Public Utilities Code, to read:

5385. No charter party carrier of passengers shall operate any motor vehicle on any public highway unless there is displayed on the vehicle a distinctive identifying symbol in the form prescribed by the commission, showing the classification to which the carrier belongs. No such identifying symbol shall be displayed on any vehicle until a permit or certificate of public convenience and necessity under this chapter has been issued to the carrier. The identifying symbol displayed by charter party carriers subject to the Interstate Commerce Commission shall serve in lieu of the display requirements of this section.

CHAPTER 234

An act to amend Section 10064 of the Health and Safety Code, relating to vital statistics.

[Approved by Governor June 3, 1968. Filed with Secretary of State June 3, 1968.]

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

SECTION 1. Section 10064 of the Health and Safety Code is amended to read:

10064. The local registrar of births and deaths, after one year from the date of registration and with the approval and under the supervision of the State Registrar, may dispose of the local registrar's copies of the records; provided, that the original copies of such records are determined to be on file in the office of the State Registrar; and provided further, that copies of such records are determined to be on file in the office of the county recorder. If the county recorder does not have copies of such records, he is hereby authorized to accept such local registrar's copies as a special county record of the events.

CHAPTER 235

An act to add Section 196b to the Civil Code and to amend Section 270 of the Penal Code, relating to child support.

[Approved by Governor June 3, 1968. Filed with Secretary of State June 3, 1968.]

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

SECTION 1. Section 196b is added to the Civil Code, to read:

196b. The husband of a woman who bears a child as a result of artificial insemination shall be liable for support of the child in the same manner as if he were the natural father, if he consented in writing to the artificial insemination.

SEC. 2. Section 270 of the Penal Code is amended to read:

270. A father of either a legitimate or illegitimate minor child who willfully omits without lawful excuse to furnish necessary clothing, food, shelter or medical attendance or other remedial care for his child is guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars ($1,000) or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment. If the father, during such violation, remains out of the state for 30 days, or if he fails or refuses to comply with the order of a court of competent jurisdiction requiring him to make any provision for the maintenance, support, medical treatment or other remedial care of such minor child and remains out of the state

for 10 days without doing so, he is guilty of a felony. This statute shall not be construed so as to relieve such father from the criminal liability defined herein for such omission merely because the mother of such child is legally entitled to the custody of such child nor because the mother of such child, or any other person, or organization, voluntarily or involuntarily furnishes such necessary food, clothing, shelter or medical attendance or other remedial care for such child, or undertakes to do so.

Proof of abandonment or desertion of a child by such father, or the omission by such father to furnish necessary food, clothing, shelter or medical attendance or other remedial care for his child is prima facie evidence that such abandonment or desertion or omission to furnish necessary food, clothing, shelter or medical attendance or other remedial care is willful and without lawful excuse.

The court, in determining the ability of the father to support his child, shall consider all income, including social insurance benefits and gifts.

Proof of abandonment or desertion of a child by such father or the omission by such father to furnish such food, shelter, clothing or medical attendance or other remedial care for more than thirty (30) days is prima facie evidence that such father was outside the state.

In the event that the father of either a legitimate or illegitimate minor child is dead or for any other reason whatsoever fails to furnish the necessary food, clothing, shelter or medical attendance or other remedial care for his minor child, the mother of said child shall become subject to the provisions of this section and be criminally liable for the support of said minor child during the period of failure on the part of the father to the same extent and in the same manner as the father.

The provisions of this section are applicable whether the parents of such child are married or divorced, and regardless of any decree made in any divorce action relative to alimony or to the support of the child. A child conceived but not yet born is to be deemed an existing person insofar as this section is concerned.

The husband of a woman who bears a child as a result of artificial insemination shall be considered the father of that child for the purposes of this section, if he consented in writing to the artificial insemination.

CHAPTER 236

An act to amend Section 223 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor June 3, 1968. Filed with Secretary of State June 3, 1968.]

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

SECTION 1. Section 223 of the Revenue and Taxation Code is amended to read:

223. Fruit trees, nut trees, and grapevines of a grower, which are personal property, held on the lien date for subsequent planting in orchard or vineyard form and are planted during the assessment year by the grower shall be exempt from taxation. This section does not apply to plant nurseries.

CHAPTER 237

An act to amend Section 26081 of the Revenue and Taxation Code, relating to the Bank and Corporation Tax Law.

[Approved by Governor June 3, 1968. Filed with Secretary of State June 3, 1968.]

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

SECTION 1. Section 26081 of the Revenue and Taxation Code is amended to read:

26081. Credits or refunds of overpayments of estimated tax shall be made by the Franchise Tax Board as provided in this article as respects overpayments of tax.

Interest shall be allowed and paid upon the amount of estimated tax paid for a taxable year in excess of the amount of tax due for that year at the rate of 6 percent per annum as follows:

(a) In the case of a credit, from the due date of the estimated tax or the date of payment of the estimated tax, whichever is the later, to the date of the allowance of the credit.

(b) In the case of a refund, from the due date of the estimated tax or the date of payment of the estimated tax, whichever is the later, to a date preceding the date of the refund warrant by not more than 30 days, such date to be determined by the Franchise Tax Board.

SEC. 2. Section 26081 of the Revenue and Taxation Code, as amended by Section 1 of this act, shall be applicable to overpayments of estimated tax occurring on and after the effective date of this act.

CHAPTER 238

An act to amend Sections 23122, 23123 and 23125 of, and to repeal Section 23124 of, the Vehicle Code, relating to possession of alcohol in motor vehicles.

[Approved by Governor June 3, 1968. Filed with Secretary of State June 3, 1968.]

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

SECTION 1. Section 23122 of the Vehicle Code is amended to read:

23122. No person shall have in his possession on his person, while in a motor vehicle upon a highway, any bottle, can, or other receptacle, containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed.

SEC. 2. Section 23123 of the Vehicle Code is amended to read:

23123. It is unlawful for the registered owner of any motor vehicle, or the driver if the registered owner is not then present in the vehicle, to keep in a motor vehicle, when such vehicle is upon any highway, any bottle, can, or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, unless such container is kept in the trunk of the vehicle, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the vehicle is not equipped with a trunk. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

This section shall not apply to the living quarters of a housecar or camper.

SEC. 3. Section 23124 of the Vehicle Code is repealed.

SEC. 4. Section 23125 of the Vehicle Code is amended to read:

23125. (a) The provisions of Sections 23121 and 23122 shall not apply to passengers in any bus, taxicab or the living quarters of a housecar or camper nor shall Section 23123 apply to the driver or owner of a bus or taxicab.

(b) The provisions of Sections 23121, 23122, and 23123 shall not apply to any person who, upon the recommendation of a doctor, carries alcoholic beverages in his motor vehicle for medicinal purposes. Such sections shall also not apply to any clergyman who carries alcoholic beverages in his motor vehicle for religious purposes.

CHAPTER 239

An act to amend Sections 20024.01 and 20894.5 of the Government Code, relating to Public Employees' Retirement System.

[Approved by Governor June 3, 1968. Filed with Secretary of State June 3, 1968.]

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

SECTION 1. Section 20024.01 of the Government Code is amended to read:

20024.01. For a state member, or for a local member who is an employee of a contracting agency which is subject to the provisions of this section, "final compensation" means the highest average annual compensation earnable by a member during any period of three consecutive years during his membership in the system, including any or all of such period or periods of (a) service required for qualification for membership, or (b) prior service which qualifies for credit under this system, if any, immediately preceding membership, or (c) time prior to entering state service at the compensation earnable by him in the position first held by him in such service, as may be necessary to complete three consecutive years. For the purposes of this section, periods of service separated by breaks in service may be aggregated to constitute a period of three consecutive years, if the periods of service are consecutive except for such breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in computation of final compensation. If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months shall be included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation. Time during which a member is in state service and is also a member of the State Teachers' Retirement System or of another retirement system to which the state or the university contributes shall not be considered to be an absence for the purposes of Section 20023 nor to be a break in service for the purposes of this section, and the determination of the final compensation of such a member shall take into consideration his compensation earnable while he was a member of such other system.

On and after the operative date of the amendment to this section at the 1968 Regular Session of the Legislature, the provisions of this section shall supersede Section 20024 and apply to all contracting agencies and to the employees of such agencies whether or not such agencies have previously elected

to be subject to this section, except that this section shall not apply to an employee of a contracting agency which has not elected to be subject to this section whose death occurred or whose retirement was effective prior to such operative date.

SEC. 2. Section 20894.5 of the Government Code is amended to read:

20894.5. Notwithstanding other provisions of this article to the contrary, the employer shall contribute for each member of this system who is absent on military service without compensation, whose death occurs during such absence or who returns to state service within six months after discharge under conditions other than dishonorable or within six months after any period of rehabilitation afforded by the United States government other than a period of rehabilitation for purely educational purposes, amounts equal to the contributions which would have been made by the employee and the employer to the system on the basis of his compensation earnable at the commencement of his absence plus the annual salary adjustments which he would have received, if he had not been so absent. For the purpose of this section, the member absent on military service shall be deemed to have received a service rating for the period of such absence entitling him to annual salary adjustments. For the purposes of this section, a member who is or was granted a leave of absence or placed on a state civil service reemployment list as of the same date he was reinstated from military leave shall be considered as having returned to state service within said six months, if he returns to state service at the end of such leave of absence or upon offer of employment from the reemployment list, or if he retires under this system for service or disability during such leave. Retirements, heretofore effective, of members during such leaves, and the contribution by the employer of said amounts with respect to said members, are hereby validated and confirmed.

Any such member who exercises or did exercise the right to contribute to the system during the period of military service shall have such contributions refunded or credited to his account as additional contributions under Section 20630.

Any such member who withdraws or has withdrawn his accumulated contributions during his military service and who does not or did not redeposit the amount withdrawn upon his return to state service is entitled to be credited with the employer's contribution provided for in this section, and to receive credit for service during the period he was absent on military service, the same as if he had not withdrawn his accumulated contributions, and his rate for future contributions shall be based upon his age at the commencement of his absence on military service.

The contributions required of the employer pursuant to this section may be made in one sum, or in the manner in which other contributions are made. Contributions pursuant to this

section shall be available only for the purpose of benefits payable in event of death or retirement for service or for disability, and shall be made available only for the purpose of benefits payable in event of death or retirement, and an employee resigning from state service after reinstatement from military service shall be entitled to withdraw under Sections 20652 and 20653 only that portion of his accumulated contributions personally made by him

This section does not apply to persons absent from state service by reason of service with the Merchant Marine of the United States, or on ships operated by or for the United States government, or with the Federal Bureau of Investigation, anything to the contrary in Section 20890 notwithstanding. Contributions by the employer pursuant to this section shall not be made for any period of time after December 31, 1949, for any member whose absence on military service began prior to January 1, 1950, and who had not returned to state service prior to January 1, 1950.

On and after the operative date of the amendment to this section at the 1968 Regular Session of the Legislature, the provisions of this section shall apply to all contracting agencies and to the employees of such agencies whether or not such agencies have previously elected to be subject to this section.

SEC. 3. This act shall become operative on the first day of the month following the month in which it becomes effective.

CHAPTER 240

An act to amend Section 20181 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor June 3, 1968. Filed with Secretary of State June 3, 1968.]

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

SECTION 1. Section 20181 of the Government Code is amended to read:

20181. The obligations of this system to its members continue throughout their respective memberships, and the obligations of this system to and in respect to retired members continue throughout the lives of the respective retired members, and thereafter until all obligations to their respective beneficiaries under optional settlements have been discharged. The obligations of the state and contracting agencies to this system in respect to members employed by them, respectively, continue throughout the memberships of the respective members, and the obligations of the state and contracting agencies to this system in respect to retired members formerly employed by them, respectively, continue until all of the obligations of this system in respect to those retired members, re-

spectively, have been discharged. The obligations of any member to this system continue throughout his membership, and thereafter until all of the obligations of this system to or in respect to him have been discharged. For the purposes of payments into or out of the retirement fund for adjustment of errors or omissions, whether pursuant to Sections 20165, 20180, or 20527, or otherwise, the period of limitation of actions otherwise applicable shall not be deemed to commence or to have commenced to run until the error or omission has been discovered, as evidenced by the filing with this system of a claim or demand against this system or by the making of a claim or order for payment by this system against a member, a contracting agency or the state, except that with respect to actions against a retired member, or beneficiary based upon erroneous payment from or to this system the period of limitation shall commence from the date of such payment.

CHAPTER 241

An act to amend Section 24879 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 3, 1968. Filed with Secretary of State June 3, 1968.]

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

SECTION 1. Section 24879 of the Business and Professions Code is amended to read:

24879. A retailer may return wine to the seller or to the successor of the seller and the seller or his successor may accept the return thereof, but the seller or his successor may not sell wine to the retailer for a period of one year after the date the returned wine is accepted or received unless any of the following exist:

(a) The wine is returned in exchange for the identical quantity, brand, and item of wine.

(b) It is returned pursuant to court order.

(c) The returned wine is a brand or item of wine which has been discontinued by the seller or his successor, and in such case the wine is exchanged for the identical quantity of a brand or item of similar quality.

(d) The wine delivered was other than that ordered by a retailer or was in a quantity other than that ordered. In such cases, the retailer may, within 15 days after such delivery, return such wine to the seller or his successor for exchange for the wine actually ordered, or may return the wine delivered in excess of the wine actually ordered. Returns under this subdivision may also be made after 15 days from the date of delivery upon written approval of the department.

(e) The wine has deteriorated in quality or the container thereof has been damaged, or the label or container for the wine has been changed, and the wine is returned and exchanged for the identical quantity of the same brand and type of wine and size of container.

If wine or the container thereof is damaged or deteriorated, and the seller thereof has ceased to carry on a business licensed under this division and there is no successor to such business, such wine may be returned by a retailer to a winegrower or wholesaler who handles the same brand or item of wine, upon the same terms and conditions provided in this section for return of wine to a seller or his successor, after receiving approval from the department.

The approval of the department shall only be required for returns made after 15 days from date of delivery under the provisions of subdivision (d) of this section, or returns made under the provisions of the immediately preceding paragraph of this section.

CHAPTER 242

An act to amend Section 41 of the Probate Code, relating to wills.

[Approved by Governor June 3, 1968. Filed with Secretary of State June 3, 1968.]

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

SECTION 1. Section 41 of the Probate Code is amended to read:

41. No estate, real or personal, may be bequeathed or devised to any charitable or benevolent society or corporation, or to any person or persons in trust for charitable uses, by a testator who leaves a spouse, brother, sister, nephew, niece, descendant or ancestor surviving him, who, under the will, or the laws of succession, would otherwise have taken the property so bequeathed or devised, unless the will was duly executed at least 30 days before the death of the testator. If so executed at least 30 days before death, such devises and legacies shall be valid, but they may not collectively exceed one-third of the testator's estate as against his spouse, brother, sister, nephew, niece, descendant or ancestor, who would otherwise, as aforesaid, have taken the excess over one-third, and if they do, a pro rata deduction from such devises and legacies shall be made so as to reduce the aggregate thereof to one-third of the estate. All property bequeathed or devised contrary to the provisions of this section shall go to the spouse, brother, sister, nephew, niece, descendant or ancestor of the testator, if and to the extent that they would have taken said property as aforesaid but for such devises or legacies; otherwise the testator's estate shall

go in accordance with his will and such devises and legacies shall be unaffected.

If there are both specific and residuary charitable or benevolent bequests or devises, the residuary bequests and devises shall be reduced entirely before reducing specific bequests and devises.

Nothing herein contained is intended to, or shall be deemed or construed to vest any property devised or bequeathed to charity or in trust for a charitable use, in any person who is not a relative of the testator belonging to one of the classes mentioned herein, or in any such relative, unless and then only to the extent that such relative takes the same under a substitutional or residuary bequest or devise in the will or under the laws of succession because of the absence of other effective disposition in the will.

CHAPTER 243

An act to amend Section 692 of the Code of Civil Procedure, relating to notice of sale of property.

[Approved by Governor June 3, 1968. Filed with Secretary of State June 3, 1968.]

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

SECTION 1. Section 692 of the Code of Civil Procedure is amended to read:

692. Before the sale of property on execution or under power contained in any deed of trust on real property or any mortgage on real property, notice thereof must be given as follows:

1. In case of perishable property: by posting written notice of the time and place of sale in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the judicial district in which the property is to be sold, for such time as may be reasonable, considering the character and condition of the property.

2. In case of other personal property: by posting a similar notice in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the judicial district in which the property is to be sold, for not less than 10 days and also, not less than 10 days prior to the sale, by mailing a notice of the time and place of the sale to the judgment debtor at his business or residence address last known to the judgment creditor or his attorney or delivering such notice to the judgment debtor. It shall be the duty of the party delivering an execution to an officer for levy to furnish the information required

by such levying officer to comply with the provisions of this subdivision.

3. In case of real property: by posting a similar notice particularly describing the property at least 20 days before date of sale, in one public place in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in one public place in the judicial district in which the property is to be sold and publishing a copy thereof once a week for the same period, in some newspaper of general circulation published in the city in which the property or some part thereof is situated, if any part thereof is situated in a city, if not, then in some newspaper of general circulation published in the judicial district in which the property or some part thereof is situated, or, in case no newspaper of general circulation is published in the city or judicial district, as the case may be, in some newspaper of general circulation published in the county in which the property or some part thereof is situated; provided, that where real property is to be sold under power of sale contained in any deed of trust or under power of sale contained in a mortgage or where real property is to be sold under execution upon a judgment a copy of said notice shall be posted in some conspicuous place on the property to be sold, at least 20 days before date of sale. The term newspaper of general circulation as used herein is as defined in Article 1 (commencing with Section 6000) of Chapter 1, Division 7. Title 1 of the Government Code.

4. When the judgment under which the property is to be sold is made payable in a specified kind of money or currency, the several notices required by this section must state the kind of money or currency in which bids may be made at such sale, which must be the same as that specified in the judgment.

CHAPTER 244

An act to amend Section 20518 of the Water Code, relating to irrigation districts.

[Approved by Governor June 3, 1968. Filed with Secretary of State June 3, 1968.]

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

SECTION 1. Section 20518 of the Water Code is amended to read:

20518. "Principal county" means the county in which all the land is situated, or if the land is situated in more than one county, the county in which the greatest portion of the area of the land is situated.

In proceedings for consolidation or reorganization of districts having different principal counties, the term "principal

county'' means the county in which the greatest portion of the total combined acreage in the districts to be consolidated or reorganized is located.

CHAPTER 245

An act to amend Sections 5371.1 and 5371.2 of the Public Utilities Code, relating to charter-party carriers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 3, 1968. Filed with Secretary of State June 3, 1968.]

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

SECTION 1. Section 5371.1 of the Public Utilities Code is amended to read:

5371.1. Notwithstanding any other provision in this chapter:

(a) The commission shall issue an initial annual certificate to any charter-party carrier of passengers holding a valid operating permit issued by the commission prior to July 1, 1967, provided the application therefor shall have been filed with the commission not later than 120 days after the effective date of this section; and thereafter annually reissue any certificate initially issued hereunder, if the commission finds that the applicant possesses satisfactory fitness and financial responsibility to initiate or continue to conduct the authorized transportation services, and has heretofore and will continue to faithfully comply with the rules and regulations adopted by the commission with respect thereto as well as the rules and regulations promulgated by the California Highway Patrol with respect to safety of operation;

(b) No charter-party carrier of passengers initially issued a certificate shall be restricted as to point of origin or destination in the State of California; and

(c) Every application for an initial certificate or annual reissuance thereof shall be accompanied by the appropriate fee as specified in Sections 5373 or 5373.1.

SEC. 2. Section 5371.2 of the Public Utilities Code is amended to read:

5371.2. All holders of certificates issued subsequent to 90 days after the effective date of this section shall operate from a service area to be determined by the commission. In no case shall this area encompass more than a radius of 40 air miles from the home terminal. The home terminal shall be designated by the applicant. This certificate shall be classified as a class B certificate. This section shall not apply to certificates issued under the provisions of Section 5371.1.

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

go into immediate effect. The facts constituting such necessity are:

A number of charter-party carriers of passengers failed to file with the Public Utilities Commission their application for a certificate to continue to operate as such under newly enacted provisions affecting the regulation of such carriers; and unless the period for filing is extended they will have to requalify with the commission for the issuance of a certificate.

CHAPTER 246

An act to amend Sections 21100 and 21575 of, and to add Article 2 (commencing with Section 21285) to Chapter 2 of Part 3 of Division 11 of, the Water Code, relating to irrigation districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 3, 1968. Filed with Secretary of State June 3, 1968.]

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

SECTION 1. Section 21100 of the Water Code is amended to read:

21100. Each director shall, except as otherwise provided in this division, be a voter and a freeholder of the district and a resident of the division which he represents at the time of his nomination or appointment and during his entire term, except in the case of a director elected at a formation election he shall be a resident and freeholder in the proposed district at the time of his nomination and a resident of the division which he represents during his entire term.

In any district having no more than 15 freeholders who are voters in the district, a person need not be a voter but shall be qualified to be a director of the district if he is a freeholder of the district at the time of his nomination or appointment and during his entire term.

SEC. 2. Article 2 (commencing with Section 21285) is added to Chapter 2, Part 3, Division 11 of the Water Code, to read:

Article 2. Appointments in Certain Districts

21285. Notwithstanding any other provision of law, in any district where there are not more than 15 voters at such time as the publication of notice of a general district election, no such general district election shall be held, and all offices shall be filled by appointment pursuant to Section 23520 of the Elections Code.

SEC. 3. Section 21575 of the Water Code is amended to read:

21575. Any district having less than 2,500 acres within its boundaries, having less than 25 electors residing within it, and having only three divisions may abolish the divisions in it pursuant to this article.

Any district having no more than 15 freeholders who are voters shall have no divisions.

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:

It is essential that the provisions of this act be applicable to certain irrigation districts which will be required to hold elections in 1968. Some of these districts have few, if any, persons qualified to vote or hold office in such districts under existing law. In order to be applicable to elections that will be held this year it is necessary that this act go into immediate effect.

CHAPTER 247

An act to amend Section 231 of, to add Sections 232, 233, 234, 235, and 236 to, to amend and renumber the heading of Article 2 (commencing with Section 250) of Chapter 2 of Division 2 of, and to add a new article heading immediately preceding Section 231 of, the Probate Code, relating to escheat.

[Approved by Governor June 5, 1968. Filed with Secretary of State June 5, 1968.]

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

SECTION 1. The heading of Article 2 (commencing with Section 250) of Chapter 2 of Division 2 of the Probate Code is renumbered and amended to read:

Article 3. General Provisions

SEC. 2. A new article heading is added immediately preceding Section 231 of the Probate Code, to read:

Article 2. Escheat of Decedents' Property

SEC. 3. Section 231 of the Probate Code is amended to read:

231. (a) If a decedent, whether or not he was domiciled in this state, leaves no one to take his estate or any portion thereof by testate succession, and no one other than a government or governmental subdivision or agency to take his estate or a portion thereof by intestate succession, under the laws of this state or of any other jurisdiction, the same escheats at the time of his death in accordance with this article.

(b) Property passing to the state under this article, whether held by the state or its officers, is subject to the same charges and trusts to which it would have been subject if it had passed by succession, and is also subject to the provisions of Title 10 (commencing with Section 1300) of Part 3 of the Code of Civil Procedure relating to escheated estates.

(c) Notwithstanding any other section or provision of this code or any other statute, rule, regulation, law, or decision, moneys held by a trust fund for the purpose of providing health and welfare, pension, vacation, severance, supplemental unemployment insurance benefits, or similar benefits shall not pass to the state or escheat to the state, but such moneys go to the trust fund holding them.

SEC. 4. Section 232 is added to the Probate Code, to read:

232. Real property in this state escheats to this state in accordance with Section 231.

SEC. 5. Section 233 is added to the Probate Code, to read:

233. All tangible personal property owned by the decedent, wherever located at the decedent's death, that was customarily kept in this state prior to his death, escheats to this state in accordance with Section 231.

SEC. 6. Section 234 is added to the Probate Code, to read:

234. (a) Subject to subdivision (b), all tangible personal property owned by the decedent that is subject to the control of a superior court of this state for purposes of administration and disposition under Division 3 (commencing with Section 300) of this code escheats to this state in accordance with Section 231.

(b) The property described in subdivision (a) does not escheat to this state but goes to another jurisdiction if the other jurisdiction claims the property and establishes that:

(1) The other jurisdiction is entitled to the property under its laws;

(2) The decedent customarily kept the property in that jurisdiction prior to his death; and

(3) This state has the right to escheat and take tangible personal property being administered as part of a decedent's estate in that jurisdiction if the decedent customarily kept the property in this state prior to his death.

SEC. 7. Section 235 is added to the Probate Code, to read:

235. All intangible property owned by the decedent escheats to this state in accordance with Section 231 if the decedent was domiciled in this state at the time of his death.

SEC. 8. Section 236 is added to the Probate Code, to read:

236. (a) Subject to subdivision (b), all intangible property owned by the decedent that is subject to the control of a superior court of this state for purposes of administration and disposition under Division 3 (commencing with Section 300) of this code escheats to this state in accordance with Section 231 whether or not the decedent was domiciled in this state at his death.

(b) The property described in subdivision (a) does not escheat to this state but goes to another jurisdiction if the other jurisdiction claims the property and establishes that:

(1) The other jurisdiction is entitled to the property under its laws;

(2) The decedent was domiciled in that jurisdiction at his death; and

(3) This state has the right to escheat and take intangible property being administered as part of a decedent's estate in that jurisdiction if the decedent was domiciled in this state at his death.

CHAPTER 248

An act to amend Section 23142 of the Government Code, relating to Santa Barbara County.

[Approved by Governor June 5, 1968. Filed with Secretary of State June 5, 1968.]

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

SECTION 1. Section 23142 of the Government Code is amended to read:

23142. The boundaries of Santa Barbara County are as follows:

Beginning at the southwestern corner of Ventura; thence northerly, on the westerly line of Ventura to the point of intersection with the southern line of T. 10 N., San Bernardino base; said point being on the southern boundary of Kern and being the common corner of Santa Barbara and Ventura; thence west on said township line, to the Santa Maria River; thence down said river to a point in the Pacific Ocean opposite the mouth of said river, forming the northwest corner; thence southeasterly, by the ocean shore, to the place of beginning; including the islands of Santa Barbara, San Miguel, Santa Rosa, and Santa Cruz.

SEC. 2. The amendment made by Section 1 of this act does not constitute a change in, but is declaratory of, the pre-existing law.

CHAPTER 249

An act to add Section 16463.5 to the Public Utilities Code, relating to public utility districts.

[Approved by Governor June 5, 1968. Filed with Secretary of State June 5, 1968.]

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

SECTION 1. Section 16463.5 is added to the Public Utilities Code, to read:

16463.5. (a) A district may exercise any of the powers, functions, and duties which are vested in, or imposed upon, a

fire protection district pursuant to the Fire Protection District Law of 1961, Part 2.7 (commencing with Section 13801), Division 12 of the Health and Safety Code.

(b) If the district includes any part of a city, fire protection district, or other local agency which provides fire protection service to any territory in the district, the district shall have no authority pursuant to this section regarding the prevention and suppression of fires in such territories, unless such district has obtained the consent of such city, fire protection district, or other local agency.

CHAPTER 250

An act to repeal Chapter 3 (commencing with Section 2250) of Division 2 of the Public Resources Code, relating to the regulation and licensing of purchasers of gold or silver ores, concentrates, or amalgams.

[Approved by Governor June 5, 1968. Filed with Secretary of State June 5, 1968.]

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

SECTION 1. Chapter 3 (commencing with Section 2250) of Division 2 of the Public Resources Code is repealed.

CHAPTER 251

An act to amend Section 12 of the San Diego County Flood Control District Act (Chapter 55 of the Statutes of 1966, First Extraordinary Session), relating to the San Diego County Flood Control District.

[Approved by Governor June 5, 1968. Filed with Secretary of State June 5, 1968.]

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

SECTION 1. Section 12 of the San Diego County Flood Control District Act (Ch. 55, Stats. 1966 (1st Ex. Sess.)) is amended to read:

Sec. 12. In each of the zones the board shall appoint a commission as follows: one representative of all the soil conservation districts situated entirely or partially within the zone; one representative of all the water agencies situated entirely or partially within the zone; three or more representatives of the unincorporated territory of the zone, the precise number to be determined as hereinafter specified, and one additional representative appointed by the board if such appointment is necessary to make the total number of representatives an uneven number.

As used in this section the term "water agencies" means any person operating a dam having an impounding capacity of 2,500 acre-feet or more, and any public agency representing the owners of, or controlling, water rights that in the determination of the board would or could be affected by zone or district projects.

The board shall appoint the representative of the soil conservation districts from a list of one or more nominees proposed by all of such districts acting in concert.

The board shall appoint the representative of the water agencies from a list of one or more nominees proposed by all of such agencies acting in concert.

Representatives of the unincorporated area shall be not less than three in number and shall be nominated and appointed by the board. The number of representatives authorized for the unincorporated territory shall be determined according to the following table, provided, however, where the application of such table results in the appointment of less than three representatives for the unincorporated territory the board shall appoint additional representatives so that the number of representatives for the unincorporated territory shall be at least three:

Zone	One representative for *	One additional representative for *
1	30, or less	each additional full 30
2	100, or less	each additional full 100
3	40, or less	each additional full 40
4	20, or less	each additional full 20
5	10, or less	each additional full 10

* The numbers in the center and right columns represent millions of dollars of assessed valuation.

Upon annexation to the district, any corporate area of any city which is within or partially within any zone shall have the right to representation on the zone commission for said zone and the number of representatives shall be determined and they shall be appointed and serve in like manner as representatives of the unincorporated territory, except that they shall be nominated by the city council.

If the position of representative of the soil conservation districts or of the water agencies is or becomes vacant for any reason, the clerk of the board shall give to each of said districts or agencies, as the case may be, 30 days notice of the time and place at which will be held a meeting for the purpose of nominating a representative of its own choosing. If the position of representative of any city or of the unincorporated territory is or becomes vacant for any reason the board shall appoint the representative nominated by the city council or by the board of supervisors, as the case may be, only, and such position shall remain vacant unless and until such nomination and appointment is made.

In all zones representatives shall serve four-year terms, except that the initial appointment of one-half the representatives, as determined by lot, shall be for a two-year term, only, so that the terms of the representatives will be staggered. Any representative appointed by the board for the purpose of making the total number of representatives an uneven number shall be appointed only for a two-year term. Zone representatives may be reappointed by the board to serve additional terms.

Each zone representative shall receive such sum as may be fixed by the board not exceeding ten dollars ($10) for each meeting of the zone commission attended by him, not exceeding two meetings in any calendar month. The board by resolution may provide for the reimbursement from funds of the district of actual and necessary expenses incurred by such representatives in the performance of official duties under this act.

CHAPTER 252

An act to amend Section 28105 of the Government Code, relating to compensation of county officers.

[Approved by Governor June 5, 1968. Filed with Secretary of State June 5, 1968.]

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

SECTION 1. Section 28105 of the Government Code is amended to read:

28105. In a county of the fifth class the following shall receive as compensation for the services required of them by law or by virtue of their office the following sums:

(a) The auditor, twenty-one thousand five hundred dollars ($21,500) a year.

(b) The district attorney, twenty-five thousand dollars ($25,000) a year for his full-time services. He shall not engage in the private practice of law.

(c) Each supervisor, fifteen thousand dollars ($15,000) a year and the necessary and actual expenses incurred in the performance of the duties of his office.

(d) Grand jurors and trial jurors in superior courts and municipal courts shall receive for each day's attendance in court, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, five dollars ($5) a day. In justice courts in civil cases, jurors shall receive for each day's attendance, three dollars ($3). In justice courts and in criminal cases jurors shall receive for each day's attendance, three dollars ($3). Grand jurors and trial jurors in superior courts and municipal courts shall receive twenty cents ($0.20) for each mile actually and necessarily traveled from their resi-

dences to the places of service, in going only, mileage to be allowed but once in any one day, during any session of the court where the jurors serve; all other jurors shall receive ten cents ($0.10) per mile. The fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid.

SEC. 2. Notwithstanding Sections 28160 and 53071 of the Government Code, the salary increase granted to the board of supervisors by the amendment of Section 28105 of the Government Code at the 1968 Regular Session of the Legislature shall not become effective until a supervisor shall have entered upon a new term of office on such board after the effective date of this act.

CHAPTER 253

An act to amend Sections 13991, 13993, 13995, and 13998 of the Health and Safety Code, relating to fire protection.

[Approved by Governor June 5, 1968. Filed with Secretary of State June 5, 1968.]

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

SECTION 1. Section 13991 of the Health and Safety Code is amended to read:

13991. The district board may on its own motion, or upon the filing of a petition with the district board signed by 51 percent of the taxpayers, or the owners of 51 percent of the property, in each case within the territory proposed to be formed into a zone or to be annexed to, or detached from, a zone, based on assessed valuation, in a specific area, the district board shall, by resolution, initiate proceedings for the creation of a special fire protection zone in the district or for the annexation of territory to, or the detachment of territory from, an established special fire protection zone in the district, for the purpose of paying for the installation of capital improvements such as fire mains, fire plugs, or any other similar improvement, which is of sole benefit to the territory in a zone, or for purchase of equipment or employment of personnel over and above the equipment and personnel which the district can afford to furnish to a zone out of its general district tax.

SEC. 2. Section 13993 of the Health and Safety Code is amended to read:

13993. The resolution initiating the proceedings shall describe the boundaries of the proposed special fire protection zone or of the territory proposed to be annexed to or detached from a zone, declaring that public interest and necessity demands the creation of the zone or the annexation or detachment, and the reasons therefor, and set a date for a public hearing on the question of the creation of the zone or of the annexation or detachment before the district board.

SEC. 3. Section 13995 of the Health and Safety Code is amended to read:

13995. Any person interested, at or before the hearing, may file with the district board a written objection to the creation of the zone or to the annexation of territory to, or the detachment of territory from, a zone, or to the inclusion of his property in the zone or in such territory. At the hearing the district board shall hear and determine all protests and objections. At the conclusion of the hearing the district board shall decide and determine whether the zone shall be formed or whether the territory shall be annexed or detached, with the boundaries as described in the original resolution, except that it may revise the proposed boundaries by reducing the size of the zone or of the territory proposed to be annexed or detached.

SEC. 4. Section 13998 of the Health and Safety Code is amended to read:

13998. The district board shall file a report of the following types of action, together with a map describing the new boundaries when changes are made, with the State Board of Equalization and the county assessor:

(a) District formation, annexations, inclusions, consolidation, and dissolution.

(b) Inclusion of a city in the district.

(c) Withdrawal of a city due to incorporation or otherwise.

(d) The creation or abolishment of special fire protection zones.

(e) The annexation of territory to, or the detachment of territory from, a special fire protection zone.

CHAPTER 254

An act to amend Section 29333 of the Government Code, relating to county revolving funds.

[Approved by Governor June 5, 1968 Filed with Secretary of State June 5, 1968.]

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

SECTION 1. Section 29333 of the Government Code is amended to read:

29333. In any county having a population of over 200,000 according to the 1950 federal census, the board of supervisors may establish a revolving fund not to exceed five thousand dollars ($5,000) to be used for the benefit of all county departments. The fund shall be administered by an officer designated by the board, and shall be used to pay for services and supplies which county officers are authorized to purchase, and to meet other expenses county officers are authorized to incur, which constitute a legal charge against the

county. The officer charged with administering the fund shall obtain a receipt for each disbursement and periodically shall file such receipts with the county auditor or controller to obtain reimbursement to the fund.

The officer administering the fund shall be bonded as provided in Section 29323. The board of supervisors may establish a procedure by which officers of county departments may submit requests to the officer administering the fund for payment of authorized expenses incurred by them.

In all other respects, the provisions of this article shall apply to the revolving fund provided for in this section.

CHAPTER 255

An act to add Section 55501.5 to the Water Code, relating to county waterworks districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 5, 1968. Filed with Secretary of State June 5, 1968.]

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

SECTION 1. Section 55501.5 is added to the Water Code, to read:

55501.5. A district may fix a water service standby or immediate availability charge to be applied on an area or frontage or parcel basis, or a combination thereof, within the district to be charged to such areas to which water service is made available for any purpose by the district, whether the water service is actually used or not. The district may establish schedules varying such charge according to the land uses and the degree of availability or quantity of use of such water service to the affected lands, and may restrict such charge to lands lying within one or more zones or areas of benefits established within such district. The district may not, however, fix a charge in excess of ten dollars ($10) per acre or in excess of five dollars ($5) for a parcel of less than one acre.

If a person for more than one year obtains substantially all of his water requirements for the contiguous parcels of land which he occupies from rainfall, springs, streams, lakes, rivers or wells, and if the person's primary economic activity on such land is the commercial extraction or processing of minerals, such land shall be exempt from any water standby or availability charges.

The district may collect the standby or availability charge by billing the charged lands on a fiscal year basis or by other means available.

The district may collect the standby or availability charge as a part of the annual general county tax bill provided the district furnishes in writing to the board of supervisors and to

the county auditor the description of each parcel for which a charge is to be billed together with the amount of the charge applicable to each parcel in sufficient time to meet the schedule established by the county for inclusion of such items on the county general tax bill. The parcel description may be the parcel number assigned by the county assessor to the parcel. In such, the standby or availability charge shall become a lien against the parcel of land to which it is charged in the same manner as the county general taxes. Penalties may be collected for late payment of the standby or availability charge or the amount thereof unpaid in the manner and at the same rates as that applicable for late payment or the amount thereof unpaid of county general taxes.

If the district collects standby charges through the county general tax bill, the amount of the standby charge and any applicable penalty shall be stated on the tax bill separately from all other taxes, if practicable.

SEC. 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:

Since the authority to fix water standby charges under this act must be exercised on or before July 1st of each year and since an ordinary statute does not take effect until the 61st day following adjournment of the Legislature, it is necessary that this act go into effect immediately so that a district may fix water standby charges for the 1968–69 fiscal year in order to provide necessary funds for county waterworks district operations during said fiscal year.

CHAPTER 256

An act to amend Section 3146 of the Education Code, relating to county committees on school district organization.

[Approved by Governor June 5, 1968 Filed with Secretary of State June 5, 1968]

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

SECTION 1. Section 3146 of the Education Code is amended to read:

3146. Neither the county superintendent of schools nor any member of his staff nor any employee of a school district shall be a member of the county committee. At least two members of the county committee shall be elected from among the qualified electors of each county supervisorial district in the county.

CHAPTER 257

An act to amend Section 22550.5 of, to add Sections 22201.5, 22207.6, and 22216 to, and to repeal Section 22017 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor June 5, 1968. Filed with Secretary of State June 5, 1968.]

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

SECTION 1. Section 22017 of the Government Code is repealed.

SEC. 2. Section 22201.5 is added to the Government Code, to read:

22201.5. The board shall, upon application of a public agency and its agreement to accept liability for all contributions for which the state may become liable as a result, enter into an agreement with the federal agency to extend the period of limitation on assessment by the federal agency for such period and with respect to such employees as may be agreed upon in accordance with applicable provisions of the Social Security Act and federal regulations.

SEC. 3. Section 22207.6 is added to the Government Code, to read:

22207.6. Notwithstanding any other provision of this part, the board may execute a modification of the agreement, in conformity with the provisions of Section 218 of the Social Security Act and applicable federal regulations adopted pursuant thereto, to include the services of employees of a public agency which has ceased to exist if, with respect to all such services, all taxes required of an employer and an employee under Sections 3101 and 3111 of the Internal Revenue Code of 1954 were reported and paid by the public agency to the Internal Revenue Service in the mistaken belief that such reporting and payment established coverage for such employees and a refund of such taxes has not been requested or made.

SEC. 4. Section 22216 is added to the Government Code, to read:

22216. All acts and proceedings heretofore taken under this part by or on behalf of the state or any other public agency for inclusion of its employees in the federal system and all modifications to the agreement executed by the board pursuant to such acts and proceedings are hereby confirmed, validated and declared legally effective. This provision shall operate to supply such legislative authorization as may be necessary to validate such acts, proceedings, and modifications based thereon as the Legislature could have provided for inclusion of such employees in the federal system.

SEC. 5. Section 22550.5 of the Government Code is amended to read:

22550.5. A school district whose employees in positions covered under a retirement system as defined in Section 22009.1(c) are included in the agreement, shall be subject to all obligations and liabilities imposed on a public agency under this article. The county superintendent of schools shall submit on behalf of the district and for employees in his office included in his contract with the system, all wage, contribution, and other reports required under this article and shall collect and forward to the state amounts due in the manner provided in Section 20585 of this code for payment of contributions under the Public Employees' Retirement System.

CHAPTER 258

An act to amend Section 1824 of, and to add Section 1824.5 to, the Education Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 5, 1968. Filed with Secretary of State June 5, 1968.]

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

SECTION 1. Section 1824 of the Education Code is amended to read:

1824. Whenever, in any action to form or abolish existing school districts, or to change the boundaries thereof, taken pursuant to any provision of Division 5 of this code, an existing school district having authorized but unsold bonds is divided between two or more districts, the board of supervisors shall, prior to the date the action is effective for all purposes, make and enter an order in the minutes of its proceedings that the unsold bonds be canceled. Said cancellation shall be effective on the date the action to form, or abolish existing school districts, or to change the boundaries thereof is effective for all purposes. Thereafter, the bonds and the vote by which they were authorized to be issued shall cease to be of any validity.

SEC. 2. Section 1824.5 is added to the Education Code, to read:

1824.5. Any unsold bonds of an elementary, high school, unified or junior college district which is included as a whole in a unified school district and voted at any election held either prior or subsequent to the date upon which the action necessary to the formation of the unified district was completed, may be issued by the board of supervisors in the name of the unified district and the proceeds derived from the sale thereof shall be the funds of the unified district and shall be used only for the purpose or purposes for which said bonds were voted.

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 bond proceeds be secured to school districts which have been scheduled to reorganize in the near future or have been reorganized, it is necessary that this act take effect immediately.

CHAPTER 259

An act to amend Section 19594 of the Education Code, relating to state school building aid.

[Approved by Governor June 6, 1968. Filed with Secretary of State June 6, 1968.]

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

SECTION 1. Section 19594 of the Education Code is amended to read:

19594. Whenever a conditional apportionment has, prior to the 61st day after the adjournment sine die of the 1968 Regular Session of the Legislature, been made to an applicant school district pursuant to this chapter and thereafter the county superintendent of schools of the county having jurisdiction over such district has certified to the board and the State Controller that at an election called, held and conducted in the district for that purpose, two-thirds of the qualified electors of the district voting thereat authorized the governing board of the applicant school district to accept, expend and repay an apportionment under the provisions of this chapter, and whenever thereafter said county superintendent of schools has certified to the board and the State Controller that the amount of bonds, if any, required by the board, as a condition to the apportionment becoming final, have been issued and sold and the proceeds thereof made available for the purposes of the application and the board has certified to the State Controller that the apportionment to the applicant school district has become final, such final apportionment is hereby confirmed, ratified, and validated, and any expenditure of money from the State School Building Aid Fund according to the terms of such final apportionment is hereby confirmed, ratified, and validated.

CHAPTER 260

An act to amend Sections 43006 and 47180 of the Water Code, relating to California water storage districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 6, 1968. Filed with Secretary of State June 6, 1968.]

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

SECTION 1. Section 43006 of the Water Code is amended to read:

43006. In addition to levying assessments under Part 9 (commencing with Section 46000) of this division, the board may fix tolls or charges for the use of water or for other services rendered by the district, including the use of ground water, and collect the same from all persons receiving the benefit of the water or other services. The tolls and charges shall be proportional, as nearly as practicable, to the services rendered. Such tolls or charges may be levied and collected in order to provide, in whole or in part, for the payment of amounts due to the state, the department, any other district, or the United States, whether for capital charges or service charges or otherwise, pursuant to contracts made in accordance with Chapter 6 (commencing with Section 44000) of this part, or in order to provide, in whole or in part, for the payment of the costs of a project or the principal of and interest on bonds or warrants of the district, or in order to provide a bond reserve fund to secure bonds of the district, or in order to provide for the operation and maintenance of a project pursuant to Section 47180. The provisions of Sections 47181 to 47185, inclusive, shall be applicable to any such tolls or charges.

SEC. 2. Section 47180 of the Water Code is amended to read:

47180. For the purpose of the care, operation, management, or improvement of such portions of the project as are in use, including salaries of officers and employees, and all other operating expenses, the board may in lieu (either in part or in whole) of levying assessments as in this chapter provided for, fix rates of tolls and charges for irrigation or available irrigation and other services rendered by the district, including the use of ground water, and collect the same from all persons receiving the benefit of the irrigation or other services. The tolls and charges shall be proportional as nearly as possible to the service rendered.

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 Rosedale-Rio Bravo Water Storage District in Kern County, California, entered into a contract with the Kern County Water Agency to purchase state aqueduct water which will be delivered in 1969. It is necessary, in order to have necessary funds available to operate such facilities to balance the cost of the project between the users and those who are pumping ground water, to have a clarification of the right of the district to make this ground water charge.

CHAPTER 261

An act to add Chapter 7 (commencing with Section 4450) to Division 5 of Title 1 of the Government Code, relating to public buildings.

[Approved by Governor June 6, 1968. Filed with Secretary of State June 6, 1968.]

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

SECTION 1. Chapter 7 (commencing with Section 4450) is added to Division 5 of Title 1 of the Government Code, to read:

CHAPTER 7. ACCESS TO PUBLIC BUILDINGS BY PHYSICALLY HANDICAPPED PERSONS

4450. It is the purpose of this chapter to insure that buildings and facilities, constructed in the state by the use of state, county, or municipal funds, or the funds of any political subdivision of the state, adhere to the American Standards Association Specifications A 117.1-1961 for making buildings and facilities accessible to, and usable by, the physically handicapped.

4451. Except as otherwise provided in this section, this chapter shall apply to all buildings and facilities intended for use by the public, which have any reasonable availability to, or usage by, physically handicapped persons, including the University of California, the California State Colleges, and the various junior college districts, which are constructed in whole or in part by the use of state, county, or municipal funds, or the funds of any political subdivision of the state. If an elementary, high school, or unified school district provides special buildings and facilities for the physically handicapped, the other buildings and facilities of such district shall be exempt from this chapter, except that at least one floor of all new elementary, high school, or unified school district buildings, and places of public assembly therein, such as those used for public meetings, will meet the American Standards Association Specifications A 117.1-1961. All such buildings

and facilities constructed in this state after the effective date of this chapter from any of these funds or any combination thereof shall conform to each of the standards and specifications as prescribed in American Standards Association Specifications A 117.1-1961, except Sections 2.3, 2.4, 5.11, 5.12, and Figure 1 as related to Section 5.4.1.

These standards and specifications shall be adhered to in those buildings and facilities under construction on the effective date of this chapter, unless the authority responsible for the construction shall determine that the construction has reached a state where compliance is impractical. This chapter shall apply to temporary or emergency construction as well as permanent buildings.

In cases of practical difficulty, unnecessary hardship, or extreme differences, administrative authorities as designated under Section 4453 may grant exceptions from the literal requirements of this standard or permit the use of other methods or materials, but only when it is clearly evident that equivalent facilitation and protection are thereby secured.

4452. It is the intent of the Legislature that American Standards Association Specifications A 117.1-1961 shall be used as minimum standards to insure that buildings and facilities covered by this chapter are accessible to, and functional for, the physically handicapped to, through, and within their doors, without loss of function, space, or facility where the general public is concerned.

Any unauthorized deviation from these specifications shall be rectified by full compliance within 90 days after discovery of the deviation.

4453. The responsibility for enforcement of this chapter shall be as follows:

(a) Where state funds are utilized, by the Director of the Department of General Services.

(b) Where funds of counties, municipalities, or other political subdivisions are utilized, by the governing bodies thereof.

CHAPTER 262

An act to add Section 72602.11 to the Government Code, relating to municipal court judges.

[Approved by Governor June 6, 1968. Filed with Secretary of State June 6, 1968.]

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

SECTION 1. Section 72602.11 is added to the Government Code, to read:

72602.11. Notwithstanding any other provision of law, there shall be four judges in the Whittier Municipal Court District.

CHAPTER 263

An act to amend Sections 13307 and 15110 of the Revenue and Taxation Code, relating to inheritance and gift taxes, to take effect immediately, tax levy.

[Approved by Governor June 6, 1968. Filed with Secretary of State June 6, 1968.]

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

SECTION 1. Section 13307 of the Revenue and Taxation Code is amended to read:

13307. "Class A transferee" means any of the following:

(a) A transferee who is the husband, wife, lineal ancestor, or lineal issue of the decedent.

(b) A transferee whose relationship to the decedent is that of a child adopted by the decedent in conformity with the laws of this state, provided such child was under the age of 21 years at the time of such adoption.

(c) A transferee to whom the decedent for not less than 10 continuous years prior to the transfer stood in the mutually acknowledged relationship of a parent, if the relationship commenced on or before the transferee's 15th birthday.

(d) A transferee who is the lineal issue of a child mentioned in subdivision (b) or (c) or who is the lineal issue of a person adopted in the manner described in subdivision (f).

(e) A transferee whose relationship to the decedent is that of a person adopted in conformity with the laws of this state by any lineal issue or child mentioned in this section; provided, such person was under the age of 21 years at the time of such adoption.

(f) The age limitations set forth in subdivisions (b), (c) and (e) of this section shall not apply with respect to any person adopted by his or her stepparent. The transferee whose relationship to the decedent is that of a person adopted by his or her stepparent in conformity with the laws of this state shall be considered a class A transferee, even though such person was 21 years of age or older at the time of such adoption. The relationship of stepparent-stepchild must have existed for at least 10 years prior to the date of death.

SEC. 2. Section 15110 of the Revenue and Taxation Code is amended to read:

15110. "Class A donee" means any of the following:

(a) A donee who is the husband, wife, lineal ancestor, or lineal issue of the donor.

(b) A donee whose relationship to the donor is that of a child adopted by the donor in conformity with the laws of this state, if the child was under the age of 21 years at the time of adoption.

(c) A donee to whom the donor for not less than 10 continuous years prior to the transfer stood in the mutually

acknowledged relationship of a parent, if the relationship commenced on or before the donee's 15th birthday.

(d) A donee who is the lineal issue of a child mentioned in subdivision (b) or (c) or who is the lineal issue of a person adopted in the manner described in subdivision (f).

(e) A donee whose relationship to the donor is that of a person adopted in conformity with the laws of this state by any lineal issue or child mentioned in this section; provided, such person was under the age of 21 years at the time of such adoption.

(f) The age limitations set forth in subdivisions (b), (c) and (e) of this section shall not apply with respect to any person adopted by his or her stepparent. The donee whose relationship to the donor is that of a person adopted by his or her stepparent in conformity with the laws of this state shall be considered a class A donee, even though such person was 21 years of age or older at the time of such adoption. The relationship of stepparent-stepchild must have existed for at least 10 years prior to the date of the gift.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 264

An act to amend Sections 262 and 264 of the Revenue and Taxation Code, relating to property tax exemptions and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 6, 1968. Filed with Secretary of State June 6, 1968.]

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

SECTION 1. Section 262 of the Revenue and Taxation Code is amended to read:

262. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, or 1968 on property as to which the church exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

SEC. 2. Section 264 of the Revenue and Taxation Code is amended to read:

264. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1967 on property as to which the orphanage exemption would have been available for such fiscal year, except that such property was ac-

quired during such calendar year after the lien date in that year but prior to the commencement of such fiscal year, when such property is of a kind that presently qualifies for the orphanage exemption and that would have so qualified for such fiscal year had it been so owned for orphanage purposes on the lien date, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

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:

Some orphanages acquired property after the lien date in 1967 and some churches inadvertently failed to file the required affidavit for the church exemption for 1968 and have now been called upon to pay high taxes on such property, even though exemptions for such property are granted by the State Constitution, and as a result now are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the application of the exemption to such property. In doing so, the public policy of the state as expressed in the Constitution will be entirely fulfilled and the state as a whole will benefit.

CHAPTER 265

An act to amend Section 1553 of the Streets and Highways Code, relating to county highways.

[Approved by Governor June 6, 1968. Filed with Secretary of State June 6, 1968.]

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

SECTION 1. Section 1553 of the Streets and Highways Code is amended to read:

1553. The boards of supervisors, in their respective counties, may levy a special road fund tax, not to exceed two mills on each dollar of assessed valuation, on all the property in such counties outside of any city. This tax is in addition to all taxes otherwise provided for, and the fund so created shall be expended for the construction and maintenance of the county highways in the several road districts, in proportion to the amount collected from such districts.

CHAPTER 266

An act to add Section 1717 to the Civil Code, relating to attorney's fees.

[Approved by Governor June 6, 1968. Filed with Secretary of State June 6, 1968.]

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

SECTION 1. Section 1717 is added to the Civil Code, to read:

1717. In any action on a contract, where such contract specifically provides that attorney's fees and costs, which are incurred to enforce the provisions of such contract, shall be awarded to one of the parties, the prevailing party, whether he is the party specified in the contract or not, shall be entitled to reasonable attorney's fees in addition to costs and necessary disbursements.

Attorney's fees provided for by this section shall not be subject to waiver by the parties to any contract which is entered into after the effective date of this section. Any provision in any such contract which provides for a waiver of attorney's fees is void.

As used in this section "prevailing party" means the party in whose favor final judgment is rendered.

CHAPTER 267

An act to amend Section 7101 of the Health and Safety Code, relating to funeral expenses.

[Approved by Governor June 6, 1968. Filed with Secretary of State June 6, 1968.]

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

SECTION 1. Section 7101 of the Health and Safety Code is amended to read:

7101. When any decedent leaves an estate in this state, the reasonable cost of interment and an interment plot of sufficient size to constitute a family plot and memorial including reasonable sums for either, or both, general and special endowment care of the plot proportionate to the value of the estate and in keeping with the standard of living adopted by the decedent prior to his demise, together with interest thereon from 60 days after the date of death, shall be considered as a part of the funeral expenses of the decedent and shall be paid as a preferred charge against his estate as provided in the Probate Code.

Reasonable costs of funeral services, together with interest thereon from 60 days after the date of death, shall be consid-

ered as a part of the funeral expenses of the decedent and shall be paid as a preferred charge against his estate as provided in the Probate Code.

If a claim for mortuary and funeral services, an interment plot or memorial is rejected the burden of proving that the cost of the funeral service, interment plot or memorial is disproportionate to the value of the estate and the standard of living adopted by the decedent while living shall be upon the executor or administrator rejecting the claim. This chapter does not prohibit any relative or friend of a decedent from assuming the duty or paying the expense of interment or the funeral services.

CHAPTER 268

An act to amend Sections 23503, 23505, 23506, 23509, 23511, 23512, 23516, 23518, 23519, 23520, 23522, 23526, 23527, 23527.5, 23533, 23540.5, 23554, 23555, and 23556 of the Elections Code, Section 13832 of the Health and Safety Code, Sections 9164, 9200, and 9212 of the Public Resources Code, and Sections 21101, 30520, 34701, and 74220 of the Water Code, Sections 12, 17, and 18 of Chapter 238 of the Statutes of 1903, Sections 11, 16, and 17 of Chapter 25 of the Statutes of 1907, Sections 5 and 6 of Chapter 222 of the Statutes of 1909, Sections 12 and 13 of Chapter 924 of the Statutes of 1933, Section 9 of Chapter 931 of the Statutes 1951, Section 9.1 of Chapter 1598 of the Statutes of 1953 and Section 4 of Chapter 2146 of the Statutes of 1959, to add Sections 23510.5, 23512.2, 23512.4, 23512.6, 23512.8, 23512.10, 23512.12, 23521, 23523.7, 23526.5, 23530.5, 23554.5 and 23559 to the Elections Code, Article 7 (commencing with Section 22970) to Chapter 5, Part 5, Division 11 of the Water Code, and to repeal Section 23521 and Part 4 (commencing with Section 24001) of Division 12 of the Elections Code, relating to district elections.

[Approved by Governor June 6, 1968 Filed with Secretary of State June 6, 1968]

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

SECTION 1. Section 23503 of the Elections Code is amended to read:

23503. As used in this part, unless the context otherwise requires:

(a) "District" means any district of the type designated by and formed pursuant to the provisions of any principal act which incorporates this part.

(b) "Governing body" means the board of directors of a district or the board or body which governs the activities of the district.

(c) "Principal act" means the law providing for the creation of a particular district or type of district.

(d) "Supervising authority" means the board of supervisors of the county in which is situated all or most of the land of a district.

(e) "Secretary" means the secretary of the governing body or a person designated by him to perform a duty of the secretary.

(f) "Affected county" means a county in which any land of the district is situated.

(g) "County clerk" means the registrar of voters or, if there is none, the county clerk of an affected county.

(h) "Elective office" means any office which may, under the principal act of the district, be filled by way of an election.

(i) "Elective officer" means "elective officer" as defined by the principal act of each district or if not defined, any officer of a district holding an office which can be filled by election.

(j) "Voter" means voter or elector as respectively defined in the principal act of each district.

(k) "General district election" means an election held pursuant to the provisions of this part.

(*l*) "Director" means a member of the governing body.

(m) "Landowner voting district" means a district whose principal act requires an elector to be an owner of land located within the district.

(n) "Principal county" means the county in which all the land in the district is situated, or if the district is situated in more than one county, the county in which the greatest portion of the land in the district is situated.

(o) "Resident voting district" means any district other than a landowner voting district.

SEC. 1.5. Section 23505 of the Elections Code is amended to read:

23505. The terms of office of elective officers in all districts existing prior to becoming subject to the provisions of this chapter shall be determined as follows:

(a) All officers taking office from and including noon on the last Friday in November of an odd-numbered year to and including November 30 of the next following even-numbered year shall hold office until noon on the last Friday in November of the second next following odd-numbered year, or until the end of the terms for which they were elected, whichever is shorter.

(b) All officers taking office during an odd-numbered year, prior to noon on the last Friday in November shall hold office until the end of the terms for which they were elected or appointed and their successors shall be elected at the next general district election and shall take office on the last Friday in November following their election.

(c) In any district in which the terms of office of the directors are not staggered, the directors elected at the first general

district election shall meet as soon as practicable after taking office and classify themselves by lot into two classes, as nearly equal in number as possible, and the terms of office of the class having the greater number shall be four years and the terms of office of the class having the lesser number shall be two years.

(d) Any vacant office resulting from the operation of this section shall be filled by the board of directors; provided, that if the district board, not less than 130 days prior to the expiration of the terms for which vacancies are to be filled, by resolution declares its intention to hold an election to fill the vacancies, an election shall be held in lieu of appointment. Such election shall be held pursuant to the provisions of the principal act as they existed prior to the enactment of this part. Terms of officers elected at such election shall expire at noon on the last Friday of the following November.

SEC. 1.10. Section 23506 of the Elections Code is amended to read:

23506. The terms of office of elective officers in all new districts shall be determined as follows:

(a) If the district is formed in an odd-numbered year, the officers elected at the formation election shall hold office until noon on the last Friday in November of the next following odd-numbered year, provided officers elected at an election held on the first Tuesday after the first Monday in November shall hold office as provided in subdivision (c).

(b) If the district is formed in an even-numbered year, the officers elected at the formation election shall hold office until noon on the last Friday in November of the second next following odd-numbered year.

(c) The directors elected at the first general district election held in a district and at a formation election held at the same time as the general district election shall meet as soon as practicable after taking office and classify themselves by lot into two classes, as nearly equal in number as possible, and the terms of office of the class having the greater number shall be four years and the terms of office of the class having the lesser number shall be two years. All other elective officers elected at such election shall hold office for a term of four years or until their successor is elected and qualifies.

SEC. 1.20. Section 23509 of the Elections Code is amended to read:

23509. A general district election shall be held in each district on the first Tuesday after the first Monday in November in each odd-numbered year to choose a successor for each elective officer the term of whose office will expire on the following last Friday in November.

SEC. 1.30. Section 23510.5 is added to the Elections Code, to read:

23510.5. On the 110th day prior to the day fixed for the general district election the secretary shall deliver a notice to

the county clerk. The notice shall bear the secretary's signature and the district seal and shall also contain the following:

(a) The elective offices of the district to be filled at the next general district election;

(b) Whether the district or the candidate is to pay for the publication of a statement of qualifications pursuant to Section 10012.5.

SEC. 1.40. Section 23511 of the Elections Code is amended to read:

23511. At least 75 days, and not more than 100 days, before the day fixed for the general district election the county clerk of the principal county shall publish a notice of the election once in a newspaper of general circulation published in the district or, if no such newspaper is published in the district, in a newspaper having general circulation in the district published in any affected county in the district. The notice shall contain the date of the general district election and shall name the offices for which candidates may be nominated. The notice shall state the qualifications required by the principal act for each office for which candidates may be nominated. The notice shall state that official nominating petitions for eligible candidates desiring to file for any of the elective offices may be obtained from either the office of the secretary of the district or the office of the county clerk. The notice shall state that appointment to each elective office will be made as prescribed by Section 23520 in the event there are no nominees or an insufficient number of nominees for such office and a petition for an election is not filed within the time period prescribed by Section 23520.

SEC. 1.50. Section 23512 of the Elections Code is amended to read:

23512. Forms for petitions required for nomination to all district offices shall be obtained from either the district secretary's office or the office of the county clerk. The forms shall first be available on the 75th day prior to the general district election and shall be filed not later than 5 p.m. on the 50th day prior to the general district election in the office of the county clerk during regular office hours or may be filed by certified mail so that the forms reach the clerk's office no later than the deadline for filing in that office. At the time of issuance of such forms, there shall be filled in the name of the candidate and the office for which he is a candidate. The form shall be marked "Official Filing Petition" and signed by either the secretary or the county clerk. The petition shall be signed by not less than 10 nor more than 20 voters or by not less than 25 percent nor more than 50 percent of the voters if the same be less than 40. The county clerk shall record the date of filing upon the first page of each petition filed pursuant to this section.

On request of the district secretary, the county clerk shall provide the secretary a copy of each nominating petition filed pursuant to this section.

SEC. 2. Section 23512.2 is added to the Elections Code, to read:

23512.2. The nomination form shall be substantially in the following form:

OFFICIAL FILING PETITION

Nomination of Candidate

We, the undersigned voters of the _____
(Name of district)
District, hereby nominate _____ for the
(Name of candidate)
office of _____ of said _____ District.
(Office) (Name of district)

Name	Date	Residence
_____	_____	_____
_____	_____	_____
_____	_____	_____

SEC. 3. Section 23512.4 is added to the Elections Code, to read:

23512.4. The affidavit of the nominee shall be substantially in the following form:

Affidavit of Nominee

State of California }
County of_____ } ss.

_____, under penalty of perjury, says
(Name of nominee)
that he is the above-named nominee for the office of _____,
(Office)
that he will accept the office in the event of his election, that he desires his name to appear on the ballot as follows:

_____
(Print name above)

that he desires the following occupational designation, containing not more than three words, to appear on the ballot under his name, and that such designation is in accordance with the requirements of Section 10219.

_____
(Print desired designation, if any, above)

_____
(Signature of nominee)

The occupation listed on this affidavit shall be in the manner provided in subsection (c) of Section 10219.

SEC. 4. Section 23512.6 is added to the Elections Code, to read:

23512.6. Each nominee shall set forth in full the oath or affirmation set forth in Section 3 of Article XX of the Constitution which shall be filed with the Affidavit of Nominee and which shall satisfy the provisions of Section 3 of Article XX

of the Constitution with respect to any district office. The district secretary or a person designated by him shall administer the oath.

SEC. 5. Section 23512.8 is added to the Elections Code, to read:

23512.8. The affidavit of the circulator shall be substantially in the following form:

Affidavit of Circulator

State of California }
County of _____ } ss.

_____, under penalty of perjury, says:
(Name of circulator)

That I circulated the foregoing petition and saw all the signatures appended thereto and that to the best of my knowledge and belief they are the signatures of the persons whose names they purport to be.

_____
(Signature of circulator)

SEC. 6. Section 23512.10 is added to the Elections Code, to read:

23512.10. An elective officer seeking nomination for, and election to, the same elective office he holds prior to the general district election shall be entitled to be designated on the ballot as an incumbent in lieu of an occupational designation if he states such desire in his affidavit.

SEC. 7. Section 23512.12 is added to the Elections Code, to read:

23512.12. Upon filing each nominating petition the county clerk shall examine the petition to determine if it conforms with the provisions of this part and shall certify whether it is sufficient. For this purpose the clerk shall be entitled to obtain from any officer of an affected county all information necessary to make such determination.

SEC. 8. Section 23516 of the Elections Code is amended to read:

23516. The county clerk shall preserve for a period of four years and two months after the date of the general district election to which they relate all nominating petitions and affidavits filed pursuant to this part.

SEC. 9. Section 23518 of the Elections Code is amended to read:

23518. No more than 64 days nor less than 57 days prior to the general district election the county clerk shall publish a notice once in a newspaper of general circulation published in the district or, if no such newspaper is published in the district, in a newspaper having general circulation in the district published in any affected county in the district, if any

of the following conditions exist at the time when the notice is submitted to such newspaper for publication:

(a) Only one person has been nominated for any elective office to be filled at the general district election.

(b) No person has been nominated for such office.

(c) In the case of directors to be elected from the district at large the number of nominees for director at large does not exceed the number of offices of director at large to be filled at that election.

(d) In the case of directors to be nominated by division and elected at large the number of nominees for director at large from a division does not exceed the number required to be elected director at large nominated from that division.

SEC. 10. Section 23519 of the Elections Code is amended to read:

23519. The notice required in Section 23518 shall state the following:

(a) That such condition or conditions existed at the time the notice was submitted to the newspaper for publication;

(b) The elective offices for which there were no nominees or an insufficient number of nominees at the time the notice was submitted to the newspaper for publication; and

(c) That if such condition or conditions relating to such elective offices exist on the 46th day prior to the day fixed for the general district election and a petition signed by 5 percent of the voters in the district, or division if elected by division, requesting that a general district election be held for such offices has not been presented to the secretary of the district, appointment will be made as prescribed by Section 23520.

SEC. 11. Section 23520 of the Elections Code is amended to read:

23520. If, by 5 p.m. on the 46th day prior to the day fixed for the general district election: only one person has been nominated for any elective office to be filled at that election; or no one has been nominated for such office; or in the case of directors to be elected from the district at large, the number of nominees for director at large does not exceed the number of offices of director at large to be filled at that election; or in the case of directors to be nominated by division and elected at large, the number of nominees for director at large from a division does not exceed the number required to be elected director at large nominated from that division, and if a petition signed by 5 percent of the voters in the district, or division if elected by division, requesting that the general district election be held has not been presented to the governing body of the district, the district secretary shall submit a certificate of these facts to the supervising authority and request that the supervising authority, at a regular or special meeting held prior to the last Monday before the last Friday in November in which the election is held, appoint to such office or offices the person or persons, if any, who have been nominated. The

supervising authority shall make such appointments. If no person has been nominated for any office, the supervising authority shall appoint any person to the office who is qualified on the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a general district election for such office.

Where a director must be appointed to represent a division, all or most of which is not within the county governed by the supervising authority, then the board of supervisors of the county within which all or most of that division is located shall be the body to which request for appointment is made and which shall make such appointment.

SEC. 12. Section 23521 of the Elections Code is repealed.

SEC. 13. Section 23521 is added to the Elections Code, to read:

23521. For each district the county clerk immediately shall deliver a copy of all published notices to the district secretary and each notice shall be posted in the district office.

SEC. 14. Section 23522 of the Elections Code is amended to read:

23522. On the 43rd day prior to the day fixed for the general district election the secretary shall deliver to the county clerk a notice which shall contain the title of each elective office of the district for which a general district election is required to be held as a result of a petition signed by 5 percent of the voters in the district requesting an election be held for such office having been presented to the governing body within the time provided for by Section 23520. If no such election is to be held, no notice pursuant to this section need be given.

SEC. 14.5. Section 23523.7 is added to the Elections Code, to read:

23523.7. At the request of a district governing body, the county clerk may perform any of the duties of the district secretary and the supervising authority may perform any of the duties of the district governing body.

SEC. 14.10. Section 23526 of the Elections Code is amended to read:

23526. At least 110 days prior to the day fixed for the general district election the secretary of a resident voting district shall deliver to the county clerk of each affected county a map showing the boundaries of the district and the boundaries of the divisions of the district, if any, within that county and a statement indicating in which divisions a director is to be elected and whether any elective officer is to be elected at large at the next general district election.

SEC. 14.15. Section 23526.5 is added to the Elections Code, to read:

23526.5. Notwithstanding any provision in the principal act, elections shall be at large in any resident voter district in which there are fewer than 100 voters.

SEC. 14.20. Section 23527 of the Elections Code is amended to read:

23527. At least 110 days prior to the date fixed by the general district election, the secretary of a landowner voting district shall deliver to the county clerk of each affected county a map or description of the boundaries of the district or divisions for which elections are to be held.

SEC. 15. Section 23527.5 of the Elections Code is amended to read:

23527.5. At least 35 days prior to the date fixed for the general district election the secretary of a landowner voting district, for which an election has not been canceled pursuant to Section 23520, shall deliver to the county clerk of each affected county a list of voters qualified under the principal act of that district to vote in that county at the next general district election. For this purpose the secretary of a landowner voting district shall be entitled to obtain from any officer of an affected county all information necessary to prepare the list.

The list shall contain the name of each voter qualified under the principal act of the landowner voting district to vote at the next general district election, the residence of each such voter, the division, if any, of the district in which each such voter is entitled to vote, and the number of votes under the principal act each such voter is entitled to cast for each elective office to be filled at the next general district election. If the names or addresses of any such voters are unknown to the secretary, it shall be sufficient if the list contains, with respect to each parcel within the district, the names of the owners thereof and their addresses as shown on the last equalized assessment roll of the county in which such land is located as determined on the third Monday in August.

The secretary of the landowner voting district shall sign his name and affix the seal of the district to the bottom of each page of the list. One copy of this list shall be conspicuously posted in the office of the district in a place to which the public generally has access.

SEC. 16. Section 23530.5 is added to the Elections Code, to read:

23530.5. If the ballot contains offices for more than one district, the offices for each district shall be grouped together and the groups placed in alphabetical order according to the name of the district in which the offices in the group belong.

SEC. 17. Section 23533 of the Elections Code is amended to read:

23533. The county clerk shall prepare for each precinct one voter list and one roster for each ballot form to be used at the polling place of the precinct at the general district election. Where, as provided by Section 23530, the county clerk provides for a consolidated ballot covering two or more district elections in the same precinct he may also provide a consolidated voter list and consolidated roster for the voters receiving such

consolidated ballot. The county clerk shall furnish each precinct board with its respective lists and rosters prior to the opening of the polls.

The voter list shall specify the number of votes each voter is entitled to cast.

SEC. 18. Section 23540.5 of the Elections Code is amended to read:

23540.5. Candidates' statements of their qualifications submitted in accordance with Section 10012.5 of this code shall be filed with the county clerk who shall cause the voters' pamphlet, if any is required, to be mailed along with the notice required by Section 23540.

SEC. 19. Section 23554 of the Elections Code is amended to read:

23554. No later than the last Monday before the last Friday in November in which the general district election is held the governing body at a regular or special meeting shall declare the elected candidate or candidates. If there is but one person to be elected to an elective 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 an elective 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 body shall forthwith notify the candidates who have received the tie votes to appear before it either personally or by a 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.

SEC. 19.5. Section 23554.5 is added to the Elections Code, to read:

23554.5. No later than December 31 immediately following a general district election, the county clerk shall file with the Secretary of State a statement containing all of the following for each election in the county held pursuant to this part:

(a) The list of offices to be filled.

(b) The name of each candidate, including occupational designation, if any.

(c) The name of each successful candidate.

(d) The number of voters eligible to vote in the district and if voting is by division, the number of voters eligible to vote in each division.

(e) The number of votes for each candidate.

(f) The list of offices for which appointments have been made in lieu of election pursuant to Section 23520 together with the names of the persons so appointed.

SEC. 20. Section 23555 of the Elections Code is amended to read:

23555. The secretary shall immediately make and deliver to each person elected and who satisfies the requirements of Section 23559 a certificate of election signed by the secretary and authenticated with the seal of the district.

SEC. 21. Section 23556 of the Elections Code is amended to read:

23556. Elective officers, elected or appointed pursuant to the provisions of this part, take office at noon on the last Friday in November next following the general district election.

Prior to taking office, each elective officer shall take the official oath and execute such bond as may be required by the principal act.

SEC. 22. Section 23559 is added to the Elections Code, to read:

23559. A candidate for election to the governing body of a district shall file with the county clerk a campaign statement, pursuant to Chapter 1 (commencing with Section 11500) of Division 8, if the lawful receipts and expenses of his campaign exceed two hundred dollars ($200). If his lawful receipts and expenses do not exceed two hundred dollars ($200), a candidate for election to the governing body of a district shall file only a written declaration to this effect. The provisions of this section do not apply to a person appointed pursuant to Section 23520.

The county clerk shall notify the secretary immediately in writing when a candidate complies with the provisions of this section, if the candidate is required to do so.

SEC. 23. Part 4 (commencing with Section 24001) of Division 12 of the Elections Code is repealed.

SEC. 24. Section 13832 of the Health and Safety Code is amended to read:

13832. Notwithstanding any other provision of this part, the terms of office of elected members of the board in all districts formed on or after January 1, 1967, shall be determined as provided in Section 23506 of the Elections Code. The terms of office of the elected members of a district board in office on January 1, 1967, shall be determined as follows:

The term of office of any such member expiring in April of 1967 or 1969 shall instead expire on the last Friday in November of the respective year. Their successors shall be elected at the general district election held on the first Tuesday after the first Monday in November in the respective year.

In the event that four members are elected at the November 1967 election, they shall meet as soon as practicable after taking office and classify themselves by lot into two equal classes, with one class having a term of four years and one a term of two years.

Except as provided above, the term of office of each elected member of the board is four years or until his successor qualifies and takes office.

SEC. 25. Section 9164 of the Public Resources Code is amended to read:

9164. After all have qualified the directors first elected shall meet and classify themselves by lot into two classes as nearly equal in number as possible. The term of office of those in the class having the least number shall expire at noon on the last Friday in November of the next odd-numbered year after the year in which the meeting is held. The term of office of those in the other class shall expire at noon on the last Friday in November of the second odd-numbered year after the year in which the meeting is held.

SEC. 26. Section 9200 of the Public Resources Code is amended to read:

9200. "General district election" is the district election required to be held on the first Tuesday after the first Monday in November in each odd-numbered year, at which a successor shall be chosen for each director whose term of office expires in that month.

SEC. 27. Section 9212 of the Public Resources Code is amended to read:

9212. The directors so elected and qualified shall take office at noon on the last Friday in November following their election.

SEC. 28. Section 21101 of the Water Code is amended to read:

21101. Notwithstanding Sections 23505, 23506, and 23556 of the Elections Code, elective officers, irrespective of the method of their selection, take office as soon as they qualify, except that officers elected at a general district election take office at noon on the last Friday in December next following the general district election.

SEC. 29. Article 7 (commencing with Section 22970) is added to Chapter 5, Part 5, Division 11 of the Water Code, to read:

Article 7. Runoff Elections

22970. Notwithstanding anything to the contrary contained in Part 3 (commencing with Section 23500) of Division 12 of the Elections Code, in the event that in an irrigation district containing 500,000 acres or more there are three or more candidates for an elective office and at the general district election no one candidate for the elective office secures a majority of the votes cast, a runoff election shall be held.

22970.5. The runoff election shall be held on the last Tuesday in November, next following the general election, between the two candidates who secure the greatest number of votes for the elective office at the general district election.

22970.10. The governing body shall certify the two candidates who receive the highest number of votes for the elective office to the county clerk as the candidates in the runoff election.

22970.15. The voters qualified to vote for the elective offices at the preceding general district election shall be the only voters qualified for the runoff election.

22970.20. Not less than five days before any runoff election, any voter entitled to vote by absent voter ballot as provided in Section 23531 may file with the county clerk, either in person or by mail, his written application for an absent voter's ballot. Absent voting shall be conducted in accordance with the provisions of Section 23531.

22970.25. The county clerk shall commence the canvass of the returns on the first Wednesday after each runoff election.

22970.30. Not later than the second Friday in December next following the runoff election, the governing body at a regular or special meeting shall declare elected the candidate receiving the majority of the votes cast for that office at the runoff election.

22970.32. Officers elected at a runoff election shall take office pursuant to Section 21101.

22970.35. In all other respects a runoff election shall be conducted in the same manner as the general election for that office held pursuant to the Uniform District Election Law, insofar as practicable.

SEC. 30. Section 30520 of the Water Code is amended to read:

30520. Within 30 days after the election of the first directors and thereafter within 30 days after taking office pursuant to Section 23556 of the Elections Code the directors shall meet and shall elect one of their number president and may elect one of their number vice president.

SEC. 31. Section 34701 of the Water Code is amended to read:

34701. Officers take office as soon as they qualify except that officers elected or appointed pursuant to the Uniform District Election Law shall take office at noon on the last Friday in November following the general district election.

SEC. 32. Section 74220 of the Water Code is amended to read:

74220. On the first Tuesday next following the formation election, as to the first board, and on the last Friday in November following each general district election, as to subsequent boards, the directors shall meet and organize as a board.

SEC. 33. Section 12 of Chapter 238, Statutes of 1903 is amended to read:

Sec. 12. The directors of any district hereafter created under the provisions of this act who shall have been elected at the election on organization of the district, shall, on the first Tuesday after they shall have been declared elected and shall have qualified, meet and classify themselves by lot into two classes as nearly equal in number as possible, and the term of office of the class having the less number shall expire on the last Friday in November of the next odd-numbered year after the year in which said meeting is held, and the term of office

of the class having the greater number shall expire on the last Friday in November of the second odd-numbered year after the year in which said meeting is held. In districts having an even number of directors it shall be determined by lot which class shall hold office until the last Friday in November of the next odd-numbered year and which shall hold office until said date in the second odd-numbered year. The full term of office for directors is thereafter fixed at four years. After such classification, said directors shall organize as a board by electing a president from their number and by appointing a secretary, who shall each hold office during the pleasure of the board. The salary of the secretary and the amount of the bond to be given by him for the faithful performance of his duties shall be fixed by the board of directors.

SEC. 34. Section 17 of Chapter 238, Statutes of 1903 is amended to read:

Sec. 17. In each district organized as herein provided, an election shall be held on the first Tuesday after the first Monday in November of each odd-numbered year, at which shall be chosen a successor to each director whose term of office shall expire in that month. A director shall be an elector and freeholder of the district, if the directors are elected at large, and shall be an elector and freeholder of the division which the director shall be elected to represent, if directors are elected by divisions. In a district in which the directors are elected by divisions, no one shall be entitled to vote for a director for a division who is not the owner of real property situate in such division, or some improvement thereon, or some interest therein or in such improvement, as provided in Section 7 of this act, as amended. All owners of such property shall be entitled to vote at such election. The number of votes which any such property owner, in any such division, shall be entitled to vote, shall be determined according to the assessed valuation of the property of such voter situated in such division, in the manner provided in Section 7 of this act, as amended.

If the directors are elected at large, each qualified elector of the district may vote, for each director to be elected, as many votes as he may be entitled to vote in accordance with the assessed valuation of his property in the district, as hereinbefore provided.

Prior to the last Friday of November following the general district election each person elected a director shall qualify as such by taking and subscribing the official oath and executing an official bond in the sum of one thousand dollars ($1,000), which shall be approved by a judge of the superior court. Such oath and bond shall be in the form prescribed by law for public officers, and shall be filed with the secretary of the board of directors. Each such bond shall be recorded in the office of the county recorder of the county where the organization of the district was effected. If a vacancy shall occur in the office of director, the same shall be filled by appoint-

ment by the board of supervisors of the county in which the organization of the district was effected. Such appointee shall qualify as herein provided within 10 days after receiving notice of his appointment and shall hold office for the unexpired portion of the term of his predecessor. All directors shall hold office until their successors are elected and shall have qualified.

SEC. 35. Section 18 of Chapter 238, Statutes of 1903 is amended to read:

Sec. 18. On the last Friday in November following the election, the directors who shall have been elected at the general district election, shall meet and organize as a board, elect a president and appoint a secretary, who shall each hold office during the pleasure of the board. The office of the board of directors of any such district may be established by said board of directors at the county seat, or at some proper and convenient place within the district, but after the office is once established it shall not be changed without giving notice thereof by posting in three public places in the district and by publishing a similar notice for 30 days in some newspaper of general circulation published in the county where such district is organized.

SEC. 36. Section 11 of Chapter 25, Statutes of 1907 is amended to read:

Sec. 11. Such directors shall, on the first Tuesday after their election after they shall have qualified, meet and classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greatest number shall expire on the last Friday in November after the next general district election in this act provided for; and the term of office of the class having the lesser number shall expire on the last Friday in November after the next general district election thereafter. After such classification said directors shall organize as a board, shall elect a president from their number and appoint a secretary, who shall each hold office during the pleasure of the board. The salary of the secretary and the amount of the bond to be given by him for the faithful performance of his duties shall be fixed by the board of directors.

SEC. 37. Section 16 of Chapter 25, Statutes of 1907 is amended to read:

Sec. 16. In each district organized as herein provided, an election shall be held on the first Tuesday after the first Monday in November of each odd-numbered year, at which directors for the district shall be elected to fill the places of those whose terms expire the last Friday in that month. Within 10 days after receiving their respective certificates of election, each of said persons shall qualify as such director by taking and subscribing the official oath and filing a bond, as herein provided. Each director shall execute an official bond in the sum of five thousand dollars ($5,000), which shall be approved by the judge of the superior court of the county where the organization of the district was effected, and shall be recorded in the office of the county recorder of such county, and then,

together with his official oath, filed with the secretary of the board of directors. All official bonds herein provided shall be in the form prescribed by law for the official bonds of county officers. If a vacancy shall occur in the office of director, the same shall be filled by appointment by the remaining members of said board of directors. A director so appointed shall qualify within 10 days after receiving notice of his appointment, as in said act provided, as if he were elected to such office, as hereinbefore provided; and he shall hold such office only until the next general district election, and until his successor is elected and qualified.

SEC. 38. Section 17 of Chapter 25, Statutes of 1907 is amended to read:

Sec. 17. On the first Tuesday in December next following the election, the directors who shall have been elected at the general district election, and those whose terms have not expired shall meet and organize as a board, elect a president and appoint a secretary, who shall each hold office during the pleasure of the board. The full term of office of directors is hereby fixed at four years. The office of the board of directors of any such district may be established by said board of directors at the county seat, of the county where the same was organized, or at some proper and convenient place within the district, but after the office is once established it shall not be changed without giving notice thereof by posting in three public places in the district and by publishing a similar notice for 30 days in some newspaper of general circulation throughout said district and published in the county where the same is organized.

SEC. 39. Section 5 of Chapter 222, Statutes of 1909 is amended to read.

Sec. 5. Each storm water district shall be under the control of three trustees, to be elected as hereinafter provided, who shall constitute the governing board thereof. Each trustee shall be a freeholder of the district and shall have resided therein at least one year next preceding his election; provided, however, that when unincorporated territory is included with incorporated territory in said district, at least one of said trustees shall be an eligible freeholder of the unincorporated territory, if such there be residing in said district, and shall give bond in such sum as the board of supervisors who formed the district shall fix, which bond shall be approved by a superior judge of said county and filed with the county clerk thereof. Said trustees, except those first elected, shall take office at noon of the last Friday of the November in which they were elected, and shall hold office for the term of two years and until their successors are elected and qualified.

SEC. 40. Section 6 of Chapter 222, Statutes of 1909 is amended to read:

Sec. 6. Upon the formation of such storm water district the said board of supervisors must call an election therein for the election of three trustees of such district. Notice of said

election stating the time, place or places and purpose thereof, and the names of the election officers shall be given by the board by publication in some newspaper of general circulation designated by the board and published in the county, for two weeks before said election. Such election shall, except as herein otherwise provided, be held in conformity to the law for holding special elections, as to matters provided for thereby, and as to other matters in conformity to the general district elections, so far as applicable; but no sample ballots shall be sent out. The election board shall count the votes as soon as the polls are closed, and forward the returns of the election to said board of supervisors. Said board of supervisors at their next regular meeting thereafter shall canvass said returns, and issue certificates of election to the persons elected. The board of trustees so elected shall meet and organize on the next Monday after their certificates of election are issued to them, and shall hold office until the last Friday in November following the first regular election of trustees hereinafter provided for after the formation of said district, and until their successors are elected and qualified. On the first Tuesday after the first Monday in November of each odd-numbered year there shall be held an election in said storm water district for the purpose of electing three trustees of said district. Such regular general district election must be conducted pursuant to the Uniform District Election Law. Should a vacancy occur or be found to exist in the office of trustee, the board of supervisors shall fill the same by appointment. Such appointee shall possess the same qualifications as are required by this act for trustees, and shall hold his office until the next biennial election after his appointment, or until his successor is elected and qualified.

SEC. 41. Section 12 of Chapter 924, Statutes of 1933 is amended to read:

Sec. 12. An election shall be held on the first Tuesday after the first Monday in November of each odd-numbered year, in those divisions of 1 to 7 inclusive, at which directors for said district shall be elected to fill the offices of the directors whose terms of office shall expire at noon on the last Friday in that month, in accordance with the provisions of the Uniform District Election Law.

In Divisions 8, 9 and 10 of said district, the governing body of the city comprising each such division shall appoint the director to represent such division upon the board of directors, to serve at the pleasure of such governing body. Within 60 days after the amendment to this act shall take effect, the governing bodies of all of such cities shall appoint such director who shall qualify in all matters as an elected director.

Vacancies occurring in the board of directors by reason of death, resignation or otherwise, shall be filled by appointment by the remaining directors in office, except that if the vacancy is that of an appointed director, the appointing body shall appoint a successor. A director so appointed shall hold office for the unexpired term of his predecessor. Within 10 days

after receiving their respective certificates of election, or notice of appointment, each person who shall be elected or appointed to the office of director shall qualify as such by taking and subscribing an official oath of office and filing the same with the secretary of said district.

Each director shall execute an official bond in the sum of one thousand dollars ($1,000) which shall be approved by a judge of the superior court of the County of Orange, and shall be recorded in the office of the county recorder of such county, and then, together with his official oath, filed with the secretary of the board of directors. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of the county officers.

Premiums for bonds required by this act shall constitute a proper charge against said district.

SEC. 42. Section 13 of Chapter 924, Statutes of 1933 is amended to read:

Sec. 13. On the last Friday in November following their election, the directors elected at that election, those whose terms have not expired and those appointed, shall meet and organize as a board, elect a president and vice president, and may appoint a secretary or assistant secretary, who shall each hold office during the pleasure of the board. Each director appointed or elected shall hold office until his successor is elected, or appointed, and has qualified. The term of office of each elected director is hereby fixed at four years, except as herein otherwise provided or as provided in the Uniform District Election Law. The office of said district shall be established by the board of directors at some proper and convenient place within the County of Orange, but does not have to be established or maintained within said district. After the office is once established, it shall not be changed without giving notice thereof by posting in three public places within said district and by publishing a similar notice pursuant to Section 6066 of the Government Code at least once a week for two weeks in some newspaper of general circulation published in said Orange County.

The secretary and assistant secretary of said district need not be one of the directors. The salary of the secretary and assistant secretary and amount of the bond to be given for the faithful performance of his duties shall be fixed by the board of directors. The bond of the secretary and assistant secretary of said district shall be recorded in the office of the recorder of said Orange County and then filed with the president of the board of directors of said district.

SEC. 43. Section 9 of Chapter 931, Statutes of 1951 is amended to read:

Sec. 9. Within 30 days after the effective date of this act the Governor shall appoint seven directors to serve as such until the first general district election, each of whom must be an elector, landowner, and resident of the district. At least one director shall be appointed from each division and be a resi-

dent, landowner, and elector thereof. Within 30 days after such appointment, the first directors, and thereafter on the last Friday in November after each general district election, the directors shall meet and organize as a board.

SEC. 44. Section 9.1 of Chapter 1598, Statutes of 1953 is amended to read:

Sec. 9.1. The governing body of the district shall be a board of five directors who shall take office at noon on the last Friday in November and who shall be elected by divisions.

The term of office of each director is four years or until his successor qualifies and takes office. One director shall be elected from each of five divisions. The boundaries of each division shall be coterminous with and the same as those for the supervisorial districts of the county.

A director shall be a resident of, and a registered voter in, the division he represents.

Vacancies among the directors, including the failure of a person to qualify, shall be filled by appointment by the remaining directors of a person who is eligible to be elected for the vacancy.

SEC. 45. Section 4 of Chapter 2146, Statutes of 1959 is amended to read:

Sec. 4. The board of directors shall consist of 11 directors, all of whom shall be registered to vote within the agency. The directors first elected and appointed under this act shall hold office until the third Tuesday in April, 1961, and the election and qualifications of their successors.

The term of office of each director shall be four years or as provided in the Uniform District Election Law.

All vacancies occurring in the office of director shall be filled by appointment by a majority of directors elected and appointed. An appointment to fill a vacancy in the office of director shall be for the unexpired term of the office in which the vacancy occurs. The person so chosen to fill a vacancy shall, in the case of an elected director, be a resident of the division for which the vacancy is being filled; and in the case of a vacancy in the office of an appointed director, such vacancy shall be filled by a resident of the agency.

Successive elective members of the board of directors shall be elected by the voters of the agency as provided in this act and the three remaining members of the board of directors shall be appointed as provided for in this act.

On the third Tuesday of April, 1961, seven members of said board of directors, designated and referred to as members numbered 1 through 7, respectively, shall be elected, one from each of the seven divisions of the agency as in Section 3.1. Each such director shall be voted on only by those voters living within the division of which said director is a registered voter and one director, designated and referred to as director number 8, shall be elected by the voters of the agency at large, in accordance with the provisions of this act pertaining to the qualifications of directors. The remaining three directors des-

ignated and referred to as directors numbers 9, 10 and 11 shall be appointed within 15 days after the first Tuesday after the first Monday in November in those odd-numbered years as hereinafter provided:

(a) Director number 9 shall be appointed by the Board of Supervisors of San Bernardino County from the San Bernardino County Flood Control Advisory Committee Zone 4 or 6.

(b) Director number 10 shall be appointed by the governing body of the Mojave Desert Soil Conservation District;

(c) Director number 11 shall be appointed by the governing bodies of the several public agencies lying in whole or in part within the agency which are authorized by law to sell and distribute water, and by the governing bodies of the incorporated cities lying in whole or in part within the agency. Each such public agency and incorporated city, including the county board of supervisors, shall have one vote in the appointment of said director. The person receiving the greatest number of votes shall be deemed appointed.

The appointment of this director shall be effected in accordance with the following procedure:

(1) On July 1st of each year preceding the agency general election at which the appointment is to be made, or if this date falls on a Saturday, Sunday or holiday, on the next succeeding business day, the board of directors of the agency shall publish a notice of pending appointment, directed to the governing bodies of all qualified public agencies and incorporated cities in accordance with Section 6066 of the Government Code, in a newspaper of general circulation published within the agency and shall mail such notice to the governing body of each such public agency and incorporated city known to it to exist within the agency.

(2) Such notice of pending appointment shall indicate the date, time and place upon which the appointment is to be made, and shall indicate that, in order to participate, the governing bodies of each such public agency or incorporated city shall, at least 30 days prior to the agency general election in which the appointment is to be made, designate one representative to cast the appointing agency's or city's vote and shall furnish to the agency a certified resolution designating its official representative.

(3) Each such designated representative shall upon at least five days' additional written notice from the agency to the governing body of the appointing agency or incorporated city, meet at the place designated in such notices, said meeting to be held in the agency's office within 15 days following the agency general election, and shall cast his vote, orally, by roll-call, for director 11. The representatives present shall constitute a quorum to elect director 11. The votes shall be tabulated by the agency and written notice of the result shall be given by the agency to the person appointed and to each public agency and incorporated city involved. The determination by

the agency of the individual appointed as director 11 shall be conclusive.

(4) Notwithstanding any of the foregoing provisions, the county board of supervisors shall be considered the governing body of all county services districts, and shall have one vote only in the appointment of director 11.

Of the seven divisional directors first elected from each of the seven divisions. directors numbers 1, 3, 5 and 7 shall hold office until their successors are elected and qualified at the general agency election which shall be held in the first succeeding odd-numbered year, more than six months from the election at which the said directors were elected. Directors numbers 2, 4 and 6 shall hold office until their successors are elected and qualified at the general agency election which shall be held in the second succeeding odd-numbered year.

The one director elected from the agency at large at the election held on the third Tuesday of April 1961, shall hold office until his successor is elected and qualified at the second succeeding general agency election.

Of the three directors appointed after the election held on the third Tuesday of April 1961, director number 9 shall hold office until his successor is appointed and qualified within 15 days after the general agency election which shall be held in the first succeeding odd-numbered year. Directors numbers 10 and 11 shall hold office until their successors are appointed and qualified within 15 days after the general agency election which shall be held in the second succeeding odd-numbered year.

In case any two or more persons receive an equal number of votes, the governing board of the agency shall forthwith summon the candidates who have received tie votes to appear before it, at a time and place to be designated by the board, and the board shall at that time and place determine the tie by lot.

No more than three directors, either elected or appointed, may be residents of any one division. In the event of the election or appointment, or the election and appointment, of more than three directors from any one division, the governing board of the agency shall be the judge of the qualifications of its members and of election returns subject to the provisions of this act.

The succeeding elective directors shall be nominated and elected at the agency general election which shall be held on the first Tuesday after the first Monday in November in each odd-numbered year. The election shall be conducted in accordance with the provisions of the Uniform District Election Law, and elective and appointive directors shall take office at noon on the last Friday in November following the agency general election.

At the time each director is elected he shall be a resident of the agency if he is a representative at large or a resident of

both the agency and the division he represents. All appointed directors shall be registered voters residing within the agency. A director who removes his residence from the agency shall no longer be qualified to act as a director and the board shall fill the vacancy so created as provided in this section. A director is not disqualified from serving for the remainder of his term if, during such term, his residence is removed from one division to another.

CHAPTER 269

An act to amend Section 11535 of the Business and Professions Code, relating to subdivisions.

[Approved by Governor June 6, 1968. Filed with Secretary of State June 6, 1968.]

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

SECTION 1. Section 11535 of the Business and Professions Code is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five or more parcels; provided, that this chapter shall not apply to the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases.

(b) Subdivision does not include any parcel or parcels of land which is divided into four or less parcels. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.

(c) Subdivision does not include the division of any real property improved or unimproved or a portion thereof shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, if any of the following conditions prevail:

(1) The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the governing body.

(2) Any parcel or parcels divided into lots or parcels, each of a gross area of 20 acres or more, and each of which has an approved access to a maintained public street or highway.

(3) Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial development, and which has the

approval of the governing body as to street alignments and widths.

(4) Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more.

(d) In any case provided in subdivisions (c)(1), (c)(2), and (c)(3), and in the case of subdivision (b) when requested by local ordinance, a tentative map shall be submitted to the governing body or advisory agency (in the same manner as provided in this chapter for subdivisions) for approval as to area and lot design and as to all requirements of this section. Within one year after approval of the tentative map, a parcel map showing each new parcel or parcels may be filed with the recorder of the county concerned. This map shall be filed prior to sale, lease, or financing of such parcels. Conveyances may be made of parcels shown on such map by number or other such designation. Upon application an extension of the approval of the tentative map, not to exceed one year, may be granted by the governing body or advisory agency.

The governing body may require dedications or an offer of dedication by separate instrument for street opening or widening or easements. If dedications or offers of dedications are required, such dedications shall be completed prior to filing of the parcel map. An offer of dedication shall be in such terms as to be binding on the owner, his heirs, assigns or successors in interest, and shall continue until the governing body accepts or rejects such offer.

In the case of subdivisions (b) and (c)(3), and when local ordinance provides, the governing body may require the improvement of public or private streets, highways, ways, or easements as may be necessary for local traffic, drainage and sanitary needs.

(e) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(f) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

SEC. 2. Section 11535 of the Business and Professions Code is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five or more parcels; provided, that this chapter shall not apply to the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases.

(b) Subdivision does not include any parcel or parcels of land which is divided into four or less parcels. Any conveyance of land to a governmental agency, public entity or public

utility shall not be considered a division of land for purposes of computing the number of parcels.

(c) Subdivision does not include the division of any real property improved or unimproved or a portion thereof shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, if any of the following conditions prevail:

(1) The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the governing body.

(2) Any parcel or parcels divided into lots or parcels, each of a gross area of 20 acres or more, and each of which has an approved access to a maintained public street or highway.

(3) Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.

(4) Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more.

(d) In any case provided in subdivisions (c)(1), (c)(2), and (c)(3), and in the case of subdivision (b) when requested by local ordinance, a tentative map shall be submitted to the governing body or advisory agency (in the same manner as provided in this chapter for subdivisions) for approval as to area and lot design and as to all requirements of this section. Within one year after approval of the tentative map, a parcel map showing each new parcel or parcels may be filed with the recorder of the county concerned. This map shall be filed prior to sale, lease, or financing of such parcels. Conveyances may be made of parcels shown on such map by number or other such designation. Upon application an extension of the approval of the tentative map, not to exceed one year, may be granted by the governing body or advisory agency.

The governing body may require dedications or an offer of dedication by separate instrument for street opening or widening or easements. If dedications or offers of dedications are required, such dedications shall be completed prior to filing of the parcel map. An offer of dedication shall be in such terms as to be binding on the owner, his heirs, assigns or successors in interest, and shall continue until the governing body accepts or rejects such offer.

In the case of subdivision (c)(3), and in the case of subdivision (b) when local ordinance provides, the governing body may require the improvement of public or private streets, highways, ways, or easements as may be necessary for local traffic, drainage and sanitary needs.

(e) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(f) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 435 is enacted by the Legislature at the 1968 Regular Session and amends Section 11535 of the Business and Professions Code, and in such case at the same time as Senate Bill No. 435 takes effect at which time Section 11535 of the Business and Professions Code as amended by Section 1 of this act is repealed.

CHAPTER 270

An act to amend Section 37206 of, and to repeal Section 37201 of, the Water Code, relating to California water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 6, 1968. Filed with Secretary of State June 6, 1968.]

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

SECTION 1. Section 37201 of the Water Code is repealed.

SEC. 2. Section 37206 of the Water Code is amended to read:

37206. On or before the third Monday in August the board of any district which has elected pursuant to Section 37203 to proceed under this part shall furnish to the board of supervisors an estimate in writing of the amount of money needed to be raised by assessment in the county for the payment of its proportion of the amount required for the purposes of the district for the next fiscal year. Except to the extent that provision has otherwise been made by the board, as may be permitted by law, for payment of the principal of and interest upon bonds as they become due and for payment of other claims and expenses of the district, said estimate shall be in an amount sufficient for payment of the county's proportion of the principal of and interest on bonds as they become due and for payment of other claims and expenses of the district.

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

Certain ambiguities in the law relating to the levy, collection, and enforcement of assessments by California water districts have recently created difficulties for the levying of assessments by these districts. Tax revenue is essential to the proper functioning of the districts, and it is therefore necessary that these ambiguities be clarified to ensure that the districts will obtain such revenue for the tax year 1968–69.

CHAPTER 271

An act to amend Section 22451 of the Financial Code, relating to charges on loans by personal property brokers.

[Approved by Governor June 6, 1968. Filed with Secretary of State June 6, 1968.]

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

SECTION 1. Section 22451 of the Financial Code is amended to read:

22451. Every licensee who lends any sum of money may contract for and receive charges at a rate not exceeding the sum of the following:

(a) Two and one-half percent (2½%) per month on that part of the unpaid principal balance of any loan up to, including, but not in excess of two hundred dollars ($200).

(b) Two percent (2%) per month on that portion of the unpaid principal balance in excess of two hundred dollars ($200) up to, including, but not in excess of five hundred dollars ($500).

(c) One and one-half percent (1½%) per month on that part of the unpaid principal balance in excess of five hundred dollars ($500) up to and including, but not in excess of, seven hundred dollars ($700).

(d) One percent (1%) per month on any remainder of such unpaid principal balance in excess of seven hundred dollars ($700).

CHAPTER 272

An act to amend Sections 43604 and 47821 of, and to add Sections 47854 and 65502 to, the Agricultural Code, relating to grapes.

[Approved by Governor June 6, 1968. Filed with Secretary of State June 6, 1968.]

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

SECTION 1. Section 43604 of the Agricultural Code is amended to read:

43604. Standard containers numbers 38J to 38Q, inclusive, are as follows:

		Dimensions in inches		
Number	Name	Depth	Width at top	Length
38J	Standard grape lug	4½ to 5½	14½	16⅛
38K	Standard grape lug	4½ to 5¾	14 or 14¾	16⅛
38L	Grape lug	4 7/16 to 6 7/16	13½	16⅛
38Q	Grape lug	5½	11½	16⅛

Standard containers numbers 38J and 38K may have a taper (up and in—down and in) at each corner.

SEC. 2. Section 47821 of the Agricultural Code is amended to read:

47821. Subject to the restrictions and additions which are specified in this division, all grapes shall be placed in standard container number 28, 30A, 38J, 38K, 38L, or 38Q. Group A grapes, as defined in Article 3 (commencing with Section 47661) of this chapter, shall be placed in standard container number 38L only when the depth does not exceed 5¾ inches.

SEC. 3. Section 47854 is added to the Agricultural Code, to read:

47854. Notwithstanding Section 47821, when group A grapes, as defined in Article 3 (commencing with Section 47661) of this chapter, are shipped as juice grapes, they may be placed in standard container number 38L, including those with depths exceeding 5¾ inches, and the term "juice" shall appear on the container in conjunction with the name of the variety of grapes.

SEC. 4. Section 65502 is added to the Agricultural Code, to read:

65502. This chapter shall be known as the Ketchum Act.

CHAPTER 273

An act to add Section 148.4 to, and to repeal Section 625a of, the Penal Code, relating to fire alarm violations.

[Approved by Governor June 6, 1968. Filed with Secretary of State June 7, 1968.]

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

SECTION 1. Section 148.4 is added to the Penal Code, to read:

148.4. (1) Any person who willfully and maliciously tampers with, molests, injures, or breaks any public fire alarm apparatus, wire, or signal, or willfully and maliciously sends, gives, transmits, or sounds any false alarm of fire, by means of any public fire alarm system or signal or by any other means or methods, is guilty of a misdemeanor and upon conviction thereof shall be punishable by imprisonment in the county jail, not exceeding one year, or by a fine, not exceeding one thousand dollars ($1,000), or by both such fine and imprisonment.

(2) Any person who willfully and maliciously sends, gives, transmits, or sounds any false alarm of fire, by means of any public fire alarm system or signal, or by any other means or methods, and great bodily injury or death is sustained by any person as a result thereof, is guilty of a felony and upon conviction thereof shall be punishable by imprisonment in the state prison for not less than one year nor more than five years or by

a fine of not less than five hundred dollars ($500) nor more than five thousand dollars ($5,000), or by both such fine and imprisonment.

SEC. 2. Section 625a of the Penal Code is repealed.

CHAPTER 274

An act to amend Section 25410 of, and to add Section 25413.4 to, the Education Code, relating to junior colleges.

[Approved by Governor June 6, 1968. Filed with Secretary of State June 7, 1968.]

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

SECTION 1. Section 25410 of the Education Code is amended to read:

25410. In any junior college district coterminous with a unified district, the governing board of the unified district shall, except as provided in this section or in Section 25444.5, constitute the junior college board and after organizing as a junior college board shall have the management and control of the junior college in the district. If the district is divided into two or more unified districts, or if any territory is included within the boundaries of such junior college district by annexation thereto or by change of boundaries thereof, which territory is not included within the unified district, such junior college district shall be governed by a board of five members who shall be elected in the same manner, for the same terms, and at the same time as are members of the governing boards of other districts. Within 15 days after the effective date of the annexation or change of boundaries for the purpose of electing members of the governing board, the county superintendent of schools having jurisdiction over the junior college district shall call an election. The election shall be called and conducted in the manner provided by law for an election to choose the first governing board members of a newly formed junior college district.

SEC. 2. Section 25413.4 is added to the Education Code, to read:

25413.4. When a junior college district is coterminous with a high school district, the governing board of the high school district shall not constitute the governing board of the junior college district. Those persons who on the effective date of this section are serving as members of the governing boards of both a junior college district and a coterminous high school district shall, however, continue to so serve until the expiration of their present terms, provided they may on or after

July 2, 1969 elect on which of the two boards they will continue to serve. Such election shall be in writing, shall specify the effective date, and shall be filed with the county superintendent of schools having jurisdiction over the district. Those persons electing to withdraw as members of either the governing board of the junior college district or the governing board of the high school district shall continue to discharge the duties of the office from which they have withdrawn until their successors on such board are appointed pursuant to Sections 1162 or 25413.5 and have qualified.

CHAPTER 275

An act to add Section 25210.77b, 25210.77c, and 25210.77d to the Government Code, relating to county service areas, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 6, 1968. Filed with Secretary of State June 7, 1968.]

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

SECTION 1. Section 25210.77b is added to the Government Code, to read:

25210.77b. A county may fix, on or before the first day of July in each calendar year, a water standby or immediate availability charge on all land within a county service area to which water is made available for any purpose by the county whether the water is actually used or not, except that such charge shall not apply to lands permanently dedicated exclusively to the public transportation of persons or property. The board of supervisors of the county which fixes such a charge may establish schedules varying the charges in different months and in different localities within a county service area depending upon factors such as the uses to which the land is put, the cost of transporting the water to the land, the degree of availability or quantity of use of such water to the affected lands. The board may not, however, fix a charge in excess of ten dollars ($10) per acre or in excess of five dollars ($5) for a parcel of less than one acre.

If a person for more than one year obtains substantially all of his water requirements for the contiguous parcels of land which he occupies from rainfall, springs, streams, lakes, rivers or wells, and if the person's primary economic activity on such land is the commercial extraction or processing of minerals, such land shall be exempt from any water standby or availability charges.

This section shall remain in effect until the 61st day after the final adjournment of the 1971 Regular Session of the Leg-

islature, and a county shall have no authority to fix a water standby or availability charge on any land within a county service area after that date.

SEC. 2. Section 25210.77c is added to the Government Code, to read:

25210.77c. Any funds derived from the charges levied pursuant to Section 25210.77b may be used by the county to pay the cost and expenses of maintaining, operating, extending and repairing the waterworks of a county service area and for the payment of interest and principal due on bonds for the ensuing fiscal year.

SEC. 3. Section 25210.77d is added to the Government Code, to read:

25210.77d. If any water standby charge remains unpaid on the first day of the month before the month in which the board of supervisors of the county in which the county service area is located is required by law to levy the amount of taxes required for county purposes, a 6-percent penalty thereon shall accrue. The amount of the unpaid standby charge plus the penalty shall be added to the annual tax levied upon the land for which the standby charge is unpaid, and shall constitute a lien on that land. The amount of tax attributable to unpaid water standby charges, and the penalty thereon, shall be stated on the tax bill separately from all other taxes.

At least 15 days before the first day of the month in which the board of supervisors is required by law to levy the amount of taxes required for county purposes, the county officer, designated by the board of supervisors, shall furnish in writing to the board of supervisors and to the county auditor, respectively, a description of each and every parcel of land within the county service area upon which a standby charge remains unpaid, together with the amount of the unpaid charge, plus the penalty on each parcel of land.

SEC. 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:

Since the authority to fix water standby charges under this act must be exercised on or before July 1st of each year and since an ordinary statute does not take effect until the 61st day following adjournment of the Legislature, it is necessary that this act go into effect immediately so that a county may fix water standby charges for the 1968–69 fiscal year in order to provide necessary funds for county waterworks district operations during said fiscal year.

CHAPTER 276

An act to amend Section 16851 of the Education Code and Section 545 of the Vehicle Code, relating to schoolbuses.

[Approved by Governor June 11, 1968. Filed with Secretary of State June 11, 1968.]

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

SECTION 1. Section 16851 of the Education Code is amended to read:

16851. A schoolbus is defined as any motor vehicle while being used for the transportation of any school pupil to and from a public school or to and from public school activities, except the following:

(a) A passenger vehicle designed for and when actually carrying not more than eight persons, including the driver.

(b) A nine-passenger station wagon when used for the transportation of not more than eight pupils and the driver, other than the regular transportation of pupils to and from a public school or the transportation of mentally retarded or physically handicapped pupils.

(c) A motor vehicle of any type carrying only members of the household of the owner thereof.

(d) A motor vehicle operated by a common carrier, or by and under exclusive jurisdiction of a publicly owned transit system, on scheduled runs but not used exclusively for the transportation of school pupils.

(e) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, or by a passenger charter-party carrier and used under a contractual agreement to transport pupils to and from school activities but not used regularly to transport pupils to and from a public school.

(f) A motor vehicle operated by a California state college or junior college provided the vehicle is not used to transport students at or below the 12th-grade level.

Notwithstanding any other provisions of this section, the governing board of a district maintaining a junior college may, by resolution, designate any motor vehicle operated by or for the district, a schoolbus within the meaning of this section, while it is being used for the transportation of any junior college students to and from a public junior college or to and from public junior college activities. The designation shall not be effective until written notification thereof has been filed with the Superintendent of Public Instruction.

SEC. 2. Section 545 of the Vehicle Code is amended to read:

545. A "schoolbus" is any motor vehicle while being used for the transportation of any school pupil to and from a pub-

lic or private school or to and from public or private school activities, except the following:

(a) A passenger vehicle designed for and when actually carrying not more than eight persons, including the driver.

(b) A nine-passenger station wagon when used for the transportation of not more than eight pupils and the driver, other than the regular transportation of pupils to and from a public or private school or the transportation of mentally retarded or physically handicapped pupils.

(c) A motor vehicle of any type carrying only members of the household of the owner thereof.

(d) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, on scheduled runs but not used exclusively for the transportation of school pupils.

(e) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, or by a passenger charter-party carrier and used under a contractual agreement to transport pupils to and from school activities but not used regularly to transport pupils to and from a public or private school.

(f) A motor vehicle operated by the University of California.

(g) A motor vehicle operated by a California state college or junior college provided the vehicle is not used to transport students at or below the 12th-grade level.

Notwithstanding any other provisions of this section, the governing board of a district maintaining a junior college may, by resolution, designate any motor vehicle operated by or for the district, a schoolbus within the meaning of this section, while it is being used for the transportation of any junior college students to and from a public junior college or to and from public junior college activities. The designation shall not be effective until written notification thereof has been filed with the Superintendent of Public Instruction.

SEC. 3. Section 16851 of the Education Code is amended to read:

16851. A schoolbus is defined as any motor vehicle while being used for the transportation of any school pupil at or below the 12th-grade level to and from a public school or to and from public school activities, except the following:

(a) A passenger vehicle designed for and when actually carrying not more than eight persons, including the driver.

(b) A nine-passenger station wagon when used for the transportation of not more than eight pupils and the driver, other than the regular transportation of pupils to and from a public school or the transportation of mentally retarded or physically handicapped pupils.

(c) A motor vehicle of any type carrying only members of the household of the owner thereof.

(d) A motor vehicle operated by a common carrier, or by and under exclusive jurisdiction of a publicly owned transit system, on scheduled runs but not used exclusively for the transportation of school pupils.

(e) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, or by a passenger charter-party carrier and used under a contractual agreement to transport pupils to and from school activities but not used regularly to transport pupils to and from a public school.

Notwithstanding any other provisions of this section, the governing board of a district maintaining a junior college may, by resolution, designate any motor vehicle operated by or for the district, a schoolbus within the meaning of this section, while it is being used for the transportation of any junior college students to and from a public junior college or to and from public junior college activities. The designation shall not be effective until written notification thereof has been filed with the Superintendent of Public Instruction.

SEC. 4. Section 545 of the Vehicle Code is amended to read:

545. A "schoolbus" is any motor vehicle while being used for the transportation of any school pupil at or below the 12th-grade level to and from a public or private school or to and from public or private school activities, except the following:

(a) A passenger vehicle designed for and when actually carrying not more than eight persons, including the driver.

(b) A nine-passenger station wagon when used for the transportation of not more than eight pupils and the driver, other than the regular transportation of pupils to and from a public or private school or the transportation of mentally retarded or physically handicapped pupils.

(c) A motor vehicle of any type carrying only members of the household of the owner thereof.

(d) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, on scheduled runs but not used exclusively for the transportation of school pupils.

(e) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, or by a passenger charter-party carrier and used under a contractual agreement to transport pupils to and from school activities but not used regularly to transport pupils to and from a public or private school.

Notwithstanding any other provisions of this section, the governing board of a district maintaining a junior college may, by resolution, designate any motor vehicle operated by or for the district, a schoolbus within the meaning of this section, while it is being used for the transportation of any junior college students to and from a public junior college or to and from public junior college activities. The designation shall not be

effective until written notification thereof has been filed with the Superintendent of Public Instruction.

SEC. 5. Sections 3 and 4 of this act shall become operative only if Assembly Bill No. 85 is enacted by the Legislature at its 1968 session, and in such case shall take effect on the 61st day after adjournment of the 1968 session of the Legislature; at which time Section 16851 of the Education Code as amended by Section 1 of this act and Section 545 of the Vehicle Code as amended by Section 2 of this act are repealed.

CHAPTER 277

An act to maintain the Insurance Code by amending Sections 845.5 and 11580.2, relating to insurance.

[Approved by Governor June 11, 1968 Filed with Secretary of State June 11, 1968]

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

SECTION 1. Section 845.5 of the Insurance Code is amended to read:

845 5. The certificate required by Section 845 to act as an agent of an insurer shall be secured as provided in Section 846 and shall expire on the first day of July after its issue, unless sooner suspended or revoked.

The permission granted by Section 845 to persons holding certificates or licenses issued by the Commissioner of Corporations does not affect the provisions of this article requiring that an insurer and that an agent appointed by an insurer secure a permit or certificate from the commissioner to issue, sell or resell securities and such issue, sale or resale and the advertising thereof is subject to the provisions of this article, nor does such section permit an owner of securities to sell or resell the same except in conformity with such section and this article.

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 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 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 of rights to which he may be entitled under any other insurance coverage applicable; nor shall payment under this section to such insured be delayed or made contingent upon the decisions as to liability or distribution of loss costs under other bodily injury liability insurance or any bond applicable to the accident. Any loss payable under the terms of the uninsured motorist endorsement or coverage to or for any person may be reduced:

(1) By the amount paid and the present value of all amounts payable to him 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.

CHAPTER 278

An act to maintain the Financial Code by amending Sections 6909 and 50000, and by repealing Section 5024, relating to financial institutions.

[Approved by Governor June 11, 1968. Filed with Secretary of State June 11, 1968.]

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

SECTION 1. Section 5024 of the Financial Code is repealed.

SEC. 2. Section 6909 of the Financial Code is amended to read:

6909. If the sum of its stock, surplus, undivided profits and reserves falls below the level specified in this article, the commissioner shall require the association to increase its capital and reserves, within the time and manner designated by the commissioner, so as to bring the sum of its stock, surplus, undivided profits, and reserves to the level specified in this article, and shall in addition, require the association to do any one or more of the following:

(a) Increase its liquid assets and maintain such increased liquidity at the level specified by the commissioner.

(b) Cease:

(1) Issuing withdrawable shares of all classes or categories, except in exchange for shares already issued.

(2) Issuing withdrawable shares of any particular class, category, or amount.

(3) Receiving additional funds upon withdrawable shares already issued (other than installment shares).

(4) Limiting the receipt of additional funds to existing shareholders.

The provisions of this subdivision shall not prevent the association from crediting to withdrawable shares the interest earned thereon.

(c) Cease all lending, lending in a particular area, or making a particular type or category of loans.

(d) Cease purchase of loans or other investments.

(e) Cease or limit promotional expenditures.

(f) Convene a meeting or meetings of its board of directors with the commissioner in attendance to accomplish the requirements of this section.

(g) Take such other steps as the commissioner deems necessary to safeguard the interests of the association and the public.

SEC. 3. Section 50000 of the Financial Code is amended to read:

50000. The following acts and sections are repealed.

General Laws

Year:	Ch.:	Pg.	Year:	Ch.:	Pg.
1851:	13:	171	1917:	522:	658
1855:	105:	128	1921:	772:	1341
1861:	192:	184	1927:	36:	51
1861:	503:	567	1931:	269:	483
1862:	187:	199	1931:	654:	1392
1863–4:	444:	492	1931:	763:	1603
1869–70:	380:	523	1935:	6:	54
1873–4:	365:	525	1935:	538:	1613
1891:	190:	271	1935:	564:	1657
1891:	264:	490	1939:	525:	1910
1903:	266:	365	1939:	1044:	2874
1905:	354:	422	1939:	1045:	2886
1905:	550:	711	1941:	398:	1684
1909:	634:	969	1947:	914:	2113
1917:	496:	581	1947:	921:	2126

Civil Code

290a	561	566	575	581
557	562	571	576	582
558	563	572	577	583
559	564	573	578	583a
560	565	574	579	583b

Penal Code

338	561	561c	563a	563d
339	561a	561d	563b	
342	561b	562	563c	

Code of Civil Procedure

1043	1044

CHAPTER 279

An act to maintain the Revenue and Taxation Code by amending Sections 251, 18403 and the title of Division 2 (commencing with Section 6001), relating to taxation.

[Approved by Governor June 11, 1968 Filed with Secretary of State June 11, 1968]

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

SECTION 1. Section 251 of the Revenue and Taxation Code is amended to read:

251. The board shall prescribe all procedure and forms required to carry into effect the veterans', church, cemetery, orphanage, college, exhibition, and immature forest trees, or welfare exemption.

SEC. 2. Section 18403 of the Revenue and Taxation Code is amended to read:

18403. If the taxpayer is unable to make his own return (including the return required by Section 18412.5), the return shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of the taxpayer.

SEC. 3. The title of Division 2 (commencing with Section 6001) of the Revenue and Taxation Code is amended to read:

DIVISION 2. OTHER TAXES

CHAPTER 280

An act to maintain the Unemployment Insurance Code by amending Sections 401 and 1030, relating to unemployment insurance.

[Approved by Governor June 11, 1968. Filed with Secretary of State June 11, 1968.]

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

SECTION 1. Section 401 of the Unemployment Insurance Code is amended to read:

401. There is in the Department of Employment the California Unemployment Insurance Appeals Board, consisting of five members appointed by the Governor, subject to the approval of the Senate. Two of the members of the appeals board shall be attorneys at law admitted to practice in the State of California. The other three members need not be attorneys. Each member of the board shall devote his full time to the performance of his duties. The chairman and each member of the board shall receive the annual salary provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code. The Governor shall designate the chairman of the appeals board from the membership of the appeals board. The person so designated shall hold the office of chairman at the pleasure of the Governor. The chairman shall designate a member of the appeals board to act as chairman in his absence.

SEC. 2. 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 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.

CHAPTER 281

An act to amend Section 378, of the Streets and Highways Code, relating to the Ben Hulse Highway.

[Approved by Governor June 11, 1968. Filed with Secretary of State June 11, 1968.]

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

SECTION 1. Section 378 of the Streets and Highways Code is amended to read:

378. Route 78 is from:

(a) Route 5 near Oceanside to Route 395 near Escondido.

(b) Route 395 near Escondido to Route 86 near Kane Springs passing near Ramona and Santa Ysabel and via Julian.

(c) Route 86 near Brawley to Route 10 near Blythe.

Notwithstanding the provisions of Section 89 of Chapter 1062, Statutes of 1959, the department shall proceed with the

construction of the unconstructed portion of said route described in subdivision (c) between the easterly junction of Route 115 and the Imperial-Riverside county line with the lowest practical cost for a hard-surfaced road and as an interim project pending the later construction of the route to proper limited access standards. The road shall be known and designated as the "Ben Hulse Highway."

CHAPTER 282

An act to add Sections 253, 253.1, 253.2, 253.3, 253.4, 253.5, 253.6, 253.7, 253.8, 263, 263.1, 263.2, 263.3, 263.4, 263 5, 263.6, 263.7, 263.8, and 541 to, to amend Sections 190.1, 301, 304, 310, 315, 335, 336, 348, 349, and 360 of, to amend and renumber Sections 361.1 and 361.2 of, and to amend Sections 371, 380, 382, 387, 390, 396, 401, 405, 435, 450, 456, 460, 470, 476, 517, 518, 554, 563, 573, 580, 616, 619, and 635 of, and to repeal Sections 253, 253.1, 253.2, 253.3, 263, 263.4, 263.5, 263.6, 263.7, 263.8, 263.9, 342, 410, 540, and 543 of the Streets and Highways Code, relating to state highways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 11, 1968. Filed with Secretary of State June 11, 1968.]

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

SECTION 1. Section 190.1 of the Streets and Highways Code is amended to read:

190.1. Mathilda Avenue, which is part of Route 85 in the City of Sunnyvale, is hereby declared to be a city street within the meaning of Sections 189 and 190, and is eligible for an allocation of funds for grade separation pursuant to Section 190.

The Legislature hereby finds and declares that although Mathilda Avenue is presently a portion of Route 85, the commission has approved an alternate routing, the department has commenced acquisition of the property necessary for the right-of-way along the new route, and Mathilda Avenue will be returned to the City of Sunnyvale within a few years. Because of the heavy traffic congestion at the intersection of Mathilda Avenue and the Southern Pacific Company's railroad tracks, it is necessary that Mathilda Avenue be eligible for a grade separation allocation as soon as possible.

SEC. 2. Section 253 of the Streets and Highways Code is repealed.

SEC. 3. Section 253 is added to the Streets and Highways Code, to read:

253. The California Freeway and Expressway System is hereby established and shall be composed of the highways specified in this article.

SEC. 4. Section 253.1 of the Streets and Highways Code is repealed.

SEC. 5. Section 253.1 is added to the Streets and Highways Code, to read:

253.1. The California freeway and expressway system shall include:

Routes 5, 6, 7, 8, 10, 12, 13, 14, 15, 17, 18, 21, 22, 24, 28, 29, 30, 31, 32, 34, 37, 40, 44, 47, 48, 50, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 64, 65, 67, 68, 70, 71, 73, 74, 78, 80, 81, 83, 85, 87, 88, 89, 90, 92, 93, 97, 100, 102, 103, 106, 107, 108, 109, 118, 121, 122, 124, 125, 126, 133, 134, 136, 139, 140, 141, 143, 145, 148, 149, 150, 152, 154, 156, 157, 161, 164, 170, 171, 179, 181, 183, 184, 186, 199, 205, 208, 210, 217, 221, 223, 230, 232, 234, 235, 237, 238, 239, 242, 244, 247, 249, 251, 252, 256, 257, 258, 259, 280, 405, 505, 580, 605, 680, 805 and 880 in their entirety.

SEC. 6. Section 253.2 of the Streets and Highways Code is repealed.

SEC. 7. Section 253.2 is added to the Streets and Highways Code, to read:

253.2. The California freeway and expressway system shall also include:

Route 1 from:

(a) Route 5 south of San Juan Capistrano to Route 107.

(b) Route 105 to Route 101 near El Rio.

(c) Route 101 near Las Cruces to Route 227 south of Oceano.

(d) Route 101 near San Luis Obispo to San Simeon.

(e) Carmel to Route 280 south of San Francisco.

(f) Route 280 to the San Francisco county line.

(g) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford.

(h) Route 128 near the mouth of the Navarro River to Route 208 near Rockport.

Route 2 from:

(a) Route 405 near Santa Monica to Route 210.

(b) Harter Lane near Gould Canyon north of La Canada to Route 138.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

(a) Route 80 near Hercules to Route 99 near Stockton.

(b) Route 99 near Stockton to Route 65.

Route 11 from San Pedro to Route 248 in Pasadena.

Route 16 from:

(a) Route 505 to Route 5 near Woodland.

(b) Route 50 near Perkins to Route 49 near Drytown.

Route 20 from Route 101 to Route 80 near Emigrant Gap.

SEC. 8. Section 253.3 of the Streets and Highways is repealed.

SEC. 9. Section 253.3 is added to the Streets and Highways Code, to read:

253.3. The California freeway and expressway system shall also include:

Route 23 from:
(a) Route 101 near Newbury Park to Route 118.
(b) Route 118 to Route 126 near Fillmore.
Route 26 from Route 99 near Stockton to Route 12.
Route 33 from:
(a) Route 101 near Ventura to Route 150.
(b) Route 150 to Route 166 near Maricopa.
Route 35 from Route 280 to Route 1 near Daly City.
Route 36 from:
(a) Route 5 at Red Bluff to Route 395.
(b) Route 139 north of Susanville to Route 395 near Termo.
Route 38 from Route 10 near Redlands to Route 18 near Baldwin Lake.
Route 39 from Route 1 near Huntington Beach to Route 210.
Route 41 from:
(a) Route 1 near Morro Bay to Route 101 near Atascadero.
(b) Route 46 to Route 99 near Fresno.
(c) Route 99 near Fresno to Route 180.
(d) Route 180 to Yosemite National Park.
Route 43 from Route 5 to Route 99 near Selma.
Route 45 from Route 20 near Colusa to Route 32 near Hamilton City.

SEC. 10. Section 253.4 is added to the Streets and Highways Code, to read:

253.4. The California freeway and expressway system shall also include:

Route 46 from Route 101 in San Luis Obispo County to Route 99 near Famoso.
Route 49 from:
(a) Route 41 near Oakhurst to Route 140 near Mariposa.
(b) Route 108 south of Jamestown to Route 108 near Sonora.
(c) Route 88 near Jackson to Route 50 near Placerville.
(d) Route 80 near Auburn to Route 20 near Grass Valley.
(e) Route 20 at Nevada City to Route 89 near Sattley.
(f) Route 89 near Sierraville to Route 70 near Vinton.
Route 58 from:
(a) Route 5 to Route 43.
(b) Route 43 to Route 99.
(c) Route 99 near Bakersfield to Route 15 near Barstow.
Route 62 from Route 10 near White Water to Route 247 near Yucca Valley.
Route 75 from Route 125 near Brown Field to Route 5 near the south end of San Diego Bay.
Route 76 from Route 5 near Oceanside to Route 395.
Route 77 from Route 580 in Oakland to Route 242 near Concord.

SEC. 11. Section 253.5 is added to the Streets and Highways Code, to read:

253.5. The California freeway and expressway system shall also include:

Route 79 from:

(a) Route 8 near Descanso to Route 78.
(b) Route 395 near Temecula to Route 10 near Beaumont.
Route 84 from:
(a) Route 1 to Route 35.
(b) Route 35 to Route 238 via the Dumbarton Bridge.
(c) Route 680 near Scotts Corners to Route 580.
(d) Route 580 to Route 4 near Brentwood.
(e) Route 4 near Antioch to Route 80 near Broderick.
Route 86 from Route 78 near Brawley to Route 10 near Indio.
Route 91 from Route 405 to Route 395 near Riverside.
Route 94 from Route 5 near San Diego to Route 54 near Jamacha Road.
Route 95 from Route 10 near Blythe to Route 40 near Needles.
Route 99 from:
(a) Route 5 south of Bakersfield to Route 80 in Sacramento.
(b) Route 5 in Sacramento to Route 20.
(c) Route 20 to Route 5 near Red Bluff.
Route 101 from:
(a) Route 5 near Seventh Street in Los Angeles to Route 241 in San Francisco.
(b) A point in Marin County opposite San Francisco to the Oregon state line north of Crescent City.
Route 105 from Route 405 to Route 605.
SEC. 12. Section 253.6 is added to the Streets and Highways Code, to read:
253.6. The California freeway and expressway system shall also include:
Route 111 from:
(a) Calexico to Route 78 near Brawley passing east of Heber.
(b) Route 78 near Brawley to Route 86 near Indio via the north shore of the Salton Sea.
(c) San Rafael Drive in Palm Springs to Route 10 near White Water.
Route 113 from Route 80 near Davis to Route 99 near Tudor.
Route 116 from:
(a) Route 181 near Forestville to Route 101 near Cotati.
(b) Route 101 near Petaluma to Route 121 near Schellville.
Route 120 from:
(a) Route 5 near Mossdale to the west boundary of Yosemite National Park.
(b) The east boundary of Yosemite National Park to Route 395 near Mono Lake.
Route 127 from Route 15 near Baker to Route 190 near Death Valley Junction.
Route 128 from:
(a) The mouth of the Navarro River to Route 101 near Cloverdale.
(b) Route 101 to Route 29 near Calistoga.

(c) Route 121 to Route 113 near Davis.

Route 132 from:

(a) Route 580 west of Vernalis to Route 99 at Modesto.

(b) Route 99 to Route 65.

SEC. 13. Section 253.7 is added to the Streets and Highways Code, to read:

253.7. The California freeway and expressway system shall also include:

Route 137 from Route 99 near Tulare to Route 65 near Lindsay.

Route 138 from Route 5 near Gorman to Route 15 near Cajon Pass.

Route 142 from Route 71 near Chino to Route 30 near Upland.

Route 160 from Sacramento to Route 80.

Route 166 from:

(a) Route 101 near Santa Maria to Route 33 in Cuyama Valley.

(b) Route 33 near Maricopa to Route 5.

Route 168 from Fresno to Huntington Lake.

Route 178 from:

(a) Bakersfield to Route 14 near Freeman.

(b) Route 14 near Freeman to the vicinity of the San Bernardino county line.

Route 180 from:

(a) Route 101 near Gilroy to Route 156.

(b) Route 156 to Route 5 passing near Paicines.

(c) Route 5 to Route 99 passing near Mendota.

(d) Route 99 near Fresno to General Grant Grove section of Kings Canyon National Park.

Route 190 from Route 136 near Keeler to Route 127 near Death Valley Junction.

Route 193 from Route 65 near Lincoln to Route 80 near Newcastle.

Route 198 from Route 5 near Oilfields to the Sequoia National Park line.

SEC. 14. Section 253.8 is added to the Streets and Highways Code, to read:

253.8. The California freeway and expressway system shall also include:

Route 207 from Route 152 west of Los Banos to Route 5.

Route 209 from Route 109 to Route 5 in San Diego.

Route 227 from Route 1 south of Oceano to Route 101 near Arroyo Grande.

Route 299 from:

(a) Route 101 near Arcata to Route 5 at Redding.

(b) Route 5 at Redding to Route 395 at Alturas.

Route 395 from:

(a) San Diego to Route 10 near San Bernardino.

(b) Route 15 near Cajon Pass to the Nevada state line.

(c) Nevada state line northwest of Reno to Route 36 near Johnstonville.

(d) Route 36 near Termo to the Oregon state line.

Route 480 from Route 280 near Harrison Street in San Francisco to Bay Street and The Embarcadero.

SEC. 15. Section 263 of the Streets and Highways Code is repealed.

SEC. 16. Section 263 is added to the Streets and Highways Code, to read:

263. The state scenic highway system is hereby established and shall be composed of the highways specified in this article.

SEC. 17. Section 263.1 is added to the Streets and Highways Code, to read:

263.1. The state scenic highway system shall include:

Routes 25, 28, 35, 38, 53, 62, 74, 76, 89, 96, 97, 106, 127, 150, 151, 154, 156, 158, 161, 173, 197, 199, 203, 208, 209, 221, 236, 239, 247, 268, 480, in their entirety.

SEC. 18. Section 263.2 is added to the Streets and Highways Code, to read:

263.2. The state scenic highway system shall also include:

Route 1 from:

(a) Route 5 south of San Juan Capistrano to Route 19 near Long Beach.

(b) Route 187 near Santa Monica to Route 101 near El Rio.

(c) Route 227 south of Oceano to Route 101 near Pismo Beach.

(d) Route 101 near San Luis Obispo to Route 35 near Daly City.

(e) Route 35 in San Francisco to Route 480 in San Francisco.

(f) Route 101 near Marin City to Route 208 near Rockport.

Route 2 from Route 210 near La Canada to Route 138 near Wrightwood.

Route 3 from:

(a) Route 36 near Peanut to Route 299 near Douglas City.

(b) Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

(a) Route 239 near Brentwood to Route 84 near Antioch.

(b) Route 49 near Angels Camp to Route 89.

SEC. 19. Section 263.3 is added to the Streets and Highways Code, to read:

263.3. The state scenic highway system shall also include:

Route 5 from:

(a) The international boundary near Tijuana to Route 75 near the south end of San Diego Bay.

(b) San Diego opposite Coronado to Route 74 near San Juan Capistrano.

(c) Route 210 near Tunnel Station to Route 126 near Castaic.

(d) Route 152 west of Los Banos to Route 580 near Vernalis.

(e) Route 44 near Redding to the Shasta Reservoir.

(f) Route 89 near Mt. Shasta to Route 97 near Weed.

(g) Route 3 near Yreka to the Oregon state line near Hilt.

Route 8 from Route 5 in San Diego to Route 98 near Coyote Wells.

Route 9 from:

(a) Route 17 near Santa Cruz to Route 236 near Boulder Creek.

(b) Route 236 near Boulder Creek to Route 236 near Waterman Gap.

(c) Route 236 near Waterman Gap to Route 35.

(d) Saratoga to Route 17 near Los Gatos.

(e) Blaney Plaza in Saratoga to Route 35.

Route 10 from Route 38 near Redlands to Route 62 near White Water.

Route 12 from Route 101 near Santa Rosa to Route 121 near Sonoma.

Route 14 from Route 58 near Mojave to Route 395 near Little Lake.

Route 15 from:

(a) Route 138 near Cajon Pass to Route 138 near Cajon Pass.

(b) Route 58 near Barstow to Route 127 near Baker.

Route 16 from Route 20 to Capay.

Route 17 from:

(a) Route 1 near Santa Cruz to Route 9 near Los Gatos.

(b) Route 37 near Nicasio to Route 1 near Point Reyes Station.

Route 18 from Route 138 near Mt. Anderson to Route 247 near Lucerne Valley.

Route 20 from:

(a) Route 1 near Fort Bragg to Route 101 near Willits.

(b) Route 101 near Capella to Route 16.

(c) Route 49 near Grass Valley to Route 80 near Emigrant Gap.

Route 27 between Route 1 and Route 268.

Route 29 from:

(a) Route 37 near Vallejo to Route 121 near Napa.

(b) Route 221 near Napa to Route 20 near Upper Lake.

Route 30 from Route 106 near Highland to Route 18 near Running Springs.

Route 33 from:

(a) Route 101 near Ventura to Route 150.

(b) Route 150 to Route 166 in Cuyama Valley.

(c) Route 198 near Coalinga to Route 198 near Oilfields.

Route 36 from:

(a) Route 101 near Alton to Route 3 near Peanut.

(b) Route 89 near Morgan Springs to Route 89 near Deer Creek Pass.

SEC. 20. Section 263.4 of the Streets and Highways Code is repealed.

SEC. 21. Section 263.4 is added to the Streets and Highways Code, to read:

263.4. The state scenic highway system shall also include:

Route 37 from:

(a) Route 17 near Nicasio to Route 101 near Novato.

(b) Route 101 near Ignacio to Route 29 near Vallejo.

Route 39 from Route 210 near Azusa to Route 2.

Route 41 from:

(a) Route 1 near Morro Bay to Route 101 near Atascadero.

(b) Route 46 near Cholame to Route 33.

(c) Route 49 near Oakhurst to Yosemite National Park.

Route 44 from:

(a) Route 5 near Redding to Lassen Volcanic National Park.

(b) Lassen Volcanic National Park to Route 89 near Old Station.

Route 46 from Route 101 near Paso Robles to Route 41 near Cholame.

Route 49 from:

(a) Route 41 near Oakhurst to Route 120 near Moccasin Creek.

(b) Route 120 to Route 20 near Grass Valley.

(c) Route 20 near Nevada City to Route 89 near Sattley.

Route 50 from Route 49 near Placerville to the Nevada state line near Lake Tahoe.

Route 58 from Route 14 near Mojave to Route 15 near Barstow.

Route 68 from Monterey to Route 101 near Salinas.

Route 70 from Route 149 near Wicks Corner to Route 89 near Blairsden.

Route 71 from:

(a) Route 395 to Route 91 near Corona.

(b) Route 91 near Corona to Route 83 north of Corona.

SEC. 22. Section 263.5 of the Streets and Highways Code is repealed.

SEC. 23. Section 263.5 is added to the Streets and Highways Code, to read:

263 5. The state scenic highway system shall also include:

Route 75 from Route 5 near the south end of San Diego Bay to the San Diego-Coronado Ferry in Coronado.

Route 78 from Route 79 near Santa Ysabel to Route 86 near Kane Springs.

Route 79 from:

(a) Route 8 near Descanso to Route 78 near Julian.

(b) Route 78 near Santa Ysabel to Route 71 near Aguanga.

Route 80 from:

(a) Route 280 near First Street in San Francisco to Route 61 in Oakland.

(b) Route 20 near Emigrant Gap to the Nevada state line near Verdi, Nevada.

Route 84 from Route 4 near Antioch to Route 160 near Rio Vista.

Route 88 from Route 49 near Jackson to Route 89 near Picketts.

Route 91 from Route 55 near Santa Ana Canyon to Route 71 near Corona.

Route 92 from Route 1 near Half Moon Bay to Route 280 near Crystal Springs Lake.

Route 94 from Route 125 near Spring Valley to Route 8 west of Jacumba.

SEC. 24. Section 263.6 of the Streets and Highways Code is repealed.

SEC. 25. Section 263.6 is added to the Streets and Highways Code, to read:

263.6. The state scenic highway system shall also include:

Route 101 from:

(a) Route 1 near El Rio to Route 46 near Paso Robles.

(b) Route 156 near Prunedale northeasterly to Route 156.

(c) A point in Marin County opposite San Francisco to Route 1 near Marin City.

(d) Route 37 near Ignacio to Route 37 near Novato

(e) Route 20 near Calpella to Route 20 near Willits.

(f) Route 208 near Leggett to Route 199 near Crescent City.

(g) Route 197 near Fort Dick to the Oregon state line.

Route 108 from Route 49 near Sonora to Route 395.

Route 111 from:

(a) Bombay Beach in Salton Sea State Park to Route 195 near Mecca.

(b) Route 74 near Palm Desert to Route 10 near White Water.

Route 120 from:

(a) Route 49 near Chinese Camp to Route 49 near Moccasin Creek.

(b) The east boundary of Yosemite National Park to Route 395 near Mono Lake.

Route 121 from:

(a) Route 37 near Sears Point to Route 12 near Sonoma.

(b) Route 29 near Napa State Hospital to Route 221 near Napa.

Route 125 from Route 94 near Spring Valley to Route 8 near La Mesa.

Route 126 from Route 150 near Santa Paula to Route 5 near Castaic.

SEC. 26. Section 263.7 of the Streets and Highways Code is repealed.

SEC. 27. Section 263.7 is added to the Streets and Highways Code, to read:

263.7. The state scenic highway system shall also include:

Route 138 from:

(a) Route 2 near Wrightwood to Route 15 near Cajon Pass.

(b) Route 15 near Cajon Pass to Route 18 near Mt. Anderson.

Route 139 from Route 299 near Canby to the Oregon state line near Hatfield.

Route 140 from Route 49 near Mariposa to Yosemite National Park near El Portal.

Route 146 from Pinnacles National Monument to Route 25 in Bear Valley.

Route 152 from Route 1 to the Santa Clara county line at Hecker Pass and from Route 156 near San Felipe to Route 5.

Route 160 from Route 84 near Rio Vista to Sacramento.

Route 166 from Route 101 near Santa Maria to Route 33 in Cuyama Valley.

Route 168 from:

(a) Route 65 near Clovis to Huntington Lake.

(b) Camp Sabrina to Route 395.

(c) Big Pine to the Nevada state line via Oasis.

Route 178 from the east boundary of Death Valley National Monument to Route 127 near Shoshone.

Route 180 from:

(a) Route 156 near Hollister to Route 25 near Paicines.

(b) Route 65 near Minkler to General Grant Grove Section of Kings Canyon National Park.

(c) General Grant Grove Section of Kings Canyon National Park to Kings River Canyon.

Route 190 from Route 65 near Porterville to Route 127 near Death Valley Junction.

Route 195 from Route 111 near Mecca to Route 10 near Chiriaco Summit.

SEC. 28. Section 263.8 of the Streets and Highways Code is repealed.

SEC. 29. Section 263.8 is added to the Streets and Highways Code, to read:

263.8. The state scenic highway system shall also include:

Route 198 from:

(a) Route 101 near San Lucas to Route 33 near Coalinga.

(b) Route 33 near Oilfields to Route 5.

(c) Route 99 near Goshen to the Sequoia National Park line.

Route 210 from Route 5 near Tunnel Station to Route 2 near La Canada.

Route 280 from:

(a) Route 92 near Crystal Springs Lake to Route 35 near San Andreas Lake.

(b) Route 480 in San Francisco to Route 80 near First Street in San Francisco.

Route 299 from:

(a) Route 101 near Arcata to Route 96 near Willow Creek.

(b) Route 3 near Weaverville to Route 5 near Redding.

(c) Route 89 near Burney to Route 139 near Canby.

Route 395 from:

(a) Route 76 near the San Luis Rey River to Route 71 near Murrieta.

(b) Route 74 near Romoland to Route 74 near Perris.

(c) Route 14 near Little Lake to Route 89 near Coleville.

Route 580 from Route 5 southwest of Vernalis to Route 205 near Tracy.

SEC. 30. Section 263.9 of the Streets and Highways Code is repealed.

SEC. 31. Section 301 of the Streets and Highways Code is amended to read:

301. Route 1 is from:

(a) Route 5 south of San Juan Capistrano to Route 101 near El Rio.

(b) Route 101 near Las Cruces to Route 101 near Pismo Beach via the vicinity of Lompoc and Guadalupe.

(c) Route 101 near San Luis Obispo to Route 280 south of San Francisco along the coast via Cambria, San Simeon and Santa Cruz.

(d) Route 280 near the south boundary of the City and County of San Francisco to Route 480 in San Francisco.

(e) Route 101 near the southerly end of Marin Peninsula to Route 101 near Fernbridge via the coast route through Jenner, Westport, and Ferndale.

SEC. 32. Section 304 of the Streets and Highways Code is amended to read:

304. Route 4 is from:

(a) Route 80 near Hercules to Route 99 near Stockton via north of Concord and via Antioch.

(b) Route 99 near Stockton to Route 49 near Altaville via the vicinity of Copperopolis.

(c) Route 49 near Angels Camp to Route 89 via Murphys, Calaveras Big Trees, and Dorrington.

SEC. 33. Section 310 of the Streets and Highways Code is amended to read:

310. Route 10 is from:

(a) Route 1 in Santa Monica to Route 5 near Seventh Street in Los Angeles.

(b) Route 101 near Mission Road in Los Angeles to Route 5.

(c) Route 5 in Los Angeles to the Arizona state line at the Colorado River via the vicinity of Monterey Park, Pomona, Colton, Indio, and Chiriaco Summit, and via Blythe, and includes that portion of the Colorado River highway bridge (near Ehrenburg, Arizona) which is within the State of California. The department may contract with the State of Arizona, for and on behalf of the State of California, for the maintenance of such bridge.

SEC. 34. Section 315 of the Streets and Highways Code is amended to read:

315. Route 15 is from Route 10 near San Bernardino to the Nevada state line near Calada via Barstow.

SEC. 35. Section 335 of the Streets and Highways Code is amended to read:

335. Route 35 is from:

(a) Route 17 to Route 92 via Skyline Boulevard.

(b) Route 280 via Skyline Boulevard to Route 1 in San Francisco.

SEC. 36. Section 336 of the Streets and Highways Code is amended to read:

336. Route 36 is from:

(a) Route 101 near Alton to Route 5 near Red Bluff passing near Forest Glen and Peanut.

(b) Route 5 at Red Bluff to Route 395 via Mineral, via the vicinity of Morgan, and via Susanville.

(c) Route 139 north of Susanville to Route 395 near Termo.

SEC. 37. Section 342 of the Streets and Highways Code is repealed.

SEC. 38. Section 348 of the Streets and Highways Code is amended to read:

348. Route 48 is from Route 138 east of Gorman to Route 122 near the San Bernardino county line.

SEC. 39. Section 349 of the Streets and Highways Code is amended to read:

349. Route 49 is from:

(a) Route 41 near Oakhurst to Route 120 near Moccasin Creek.

(b) Route 120 near Chinese Camp to Route 80 near Auburn via the vicinity of Sonora; via Angels Camp, San Andreas, and Jackson; via the vicinity of El Dorado, Diamond Springs, and Placerville.

(c) Route 80 near Auburn to Route 20.

(d) Route 20 at Nevada City to Route 89 near Sattley via Downieville.

(e) Route 89 near Sierraville to Route 70 near Vinton, via Loyalton.

SEC. 40. Section 360 of the Streets and Highways Code is amended to read:

360. Route 60 is from:

(a) Route 10 near the Los Angeles River in Los Angeles to Route 395 via Pomona and Riverside.

(b) Route 395 to Beaumont.

SEC. 41. Section 361.1 of the Streets and Highways Code is amended and renumbered to read:

560.1. Upon the completion of the additional subterranean tube between the Cities of Oakland and Alameda, in the vicinity of Webster Street, to be used in connection with the Posey Tube, both of which tubes are included in the description of Route 260, the department may by executive order, rule or regulation, designate both of said tubes, and the approaches leading to or from the nearest state highway or city street, as one-way highways, and thereafter restrict said tubes and approaches to one-way traffic, proceeding in opposite directions as to each other. Upon the placing of signs notifying the public of such restrictions, any person who willfully fails to observe such sign is guilty of a misdemeanor.

SEC. 42. Section 361.2 of the Streets and Highways Code is amended and renumbered to read:

560.2. Because of the statewide interest in navigation, the state will hold and save the United States of America free and harmless from liability for damages to the parallel tubes between the Cities of Oakland and Alameda included in the description of Route 260 due to the initial dredging work and subsequent maintenance dredging in an area within 50 feet of said tubes in connection with the deepening of the Oakland Estuary by the Corps of Engineers of the United States Army and the Director of Finance shall execute an agreement so to do with the proper representatives of the United States of America.

SEC. 43. Section 371 of the Streets and Highways Code is amended to read:

371. Route 71 is from:

(a) Route 210 to Route 91 via Pomona.

(b) Route 91 to Route 395.

(c) Route 395 near Temecula to Route 74 east of Anza.

SEC. 44. Section 380 of the Streets and Highways Code is amended to read:

380. Route 80 is from:

(a) Route 101 near Division Street in San Francisco to Route 280 near First Street in San Francisco.

(b) Route 280 near First Street in San Francisco to the Nevada state line near Verdi, Nevada, passing near Oakland, via Albany, via Sacramento, passing near Roseville, via Auburn, via Emigrant Gap, via Truckee and via the Truckee River Canyon.

SEC. 45. Section 382 of the Streets and Highways Code is amended to read:

382. Route 82 is from Route 101 near Ford Road south of San Jose to Route 280 in San Francisco.

SEC. 46. Section 387 of the Streets and Highways Code is amended to read:

387. Route 87 is from:

(a) Route 85 in the vicinity of Pearl Avenue to Route 101 in the vicinity of Guadalupe River. Construction of subdivision (a) of Route 87, or any portion thereof, may be commenced at the time the City of San Jose and the County of Santa Clara have acquired all rights-of-way necessary to construct a freeway, or any such portion thereof, on this route to state freeway standards and have conveyed said rights-of-way to the state without charge.

(b) San Jose easterly of the Bayshore Freeway to Route 230.

(c) Route 230 to Route 280 in San Francisco.

Notwithstanding the provisions of Section 89 of Chapter 1062 of the Statutes of 1959, construction of all or any portion of subdivision (c) of Route 87 may be commenced at any time, if the City and County of San Francisco has conveyed or does convey to the State of California, without charge, all real property presently acquired by it for the construction of said subdivision (c) of this route or such portion thereof.

SEC. 47. Section 390 of the Streets and Highways Code is amended to read:

390. Route 90 is from Route 1 northwest of the Los Angeles International Airport to Route 91 in Santa Ana Canyon passing near La Habra.

SEC. 48.5. Section 396 of the Streets and Highways Code is amended to read:

396. Route 96 is from Route 299 near Willow Creek to Route 5 via the vicinity of Weitchpec near the confluence of the Shasta and Klamath Rivers.

SEC. 48. Section 401 of the Streets and Highways Code is amended to read:

401. Route 101 is from:

(a) Route 5 near Seventh Street in Los Angeles to Route 80 near Division Street in San Francisco, passing near Ford Road south of San Jose.

(b) Route 80 near Division Street in San Francisco to Route 480.

(c) A point in Marin County opposite San Francisco to the Oregon state line via Crescent City.

SEC. 49. Section 405 of the Streets and Highways Code is amended to read:

405. Route 105 is from Route 1 west of Inglewood to Route 605.

SEC. 50. Section 410 of the Streets and Highways Code is repealed.

SEC. 51. Section 435 of the Streets and Highways Code is amended to read:

435. Route 135 is from:

(a) Route 101 near Los Alamos to Route 1 near Harriston.

(b) Route 1 near Orcutt to Route 101 north of Santa Maria.

SEC. 52. Section 450 of the Streets and Highways Code is amended to read:

450. Route 150 is from Route 101 near the Ventura-Santa Barbara county line to Route 126 near Santa Paula.

SEC. 53. Section 456 of the Streets and Highways Code is amended to read:

456. Route 156 is from:

(a) Route 1 near Castroville to Route 101 near Prunedale.

(b) Route 101 to Route 152 passing near San Juan Bautista and Hollister.

SEC. 54. Section 460 of the Streets and Highways Code is amended to read:

460. Route 160 is from Route 84 near Rio Vista to Route 80 via Sacramento.

SEC. 55. Section 470 of the Streets and Highways Code is amended to read:

470. Route 170 is from:

(a) Los Angeles International Airport to Route 101 in Los Angeles.

(b) Route 101 near Riverside Drive to Route 5 near Tujunga Wash.

SEC. 56. Section 476 of the Streets and Highways Code is amended to read:

476. Route 176 is from Route 101 near Santa Maria to Sisquoc.

SEC. 57. Section 517 of the Streets and Highways Code is amended to read:

517. Route 217 is from:

(a) Route 101 near Ellwood to the campus of the University of California at Santa Barbara.

(b) The campus of the University of California at Santa Barbara to Route 101 northwest of the City of Santa Barbara.

Section (b) of this route shall be a memorial to the late Senator Clarence C. Ward of Santa Barbara County and shall hereafter be known as Clarence Ward Memorial Boulevard.

SEC. 58. Section 518 of the Streets and Highways Code is amended to read:

518. Route 218 is from Route 1 to Route 68 via Canyon del Rey.

SEC. 59. Section 540 of the Streets and Highways Code is repealed.

SEC. 60. Section 541 is added to the Streets and Highways Code, to read:

541. Route 241 is in San Francisco from Route 1 to Route 101 near Oak and Fell Streets.

SEC. 61. Section 543 of the Streets and Highways Code is repealed.

SEC. 62. Section 554 of the Streets and Highways Code is amended to read:

554. Route 254 is the Avenue of the Giants, comprising a portion of the former Redwood Highway through and connecting a number of state parks, from Route 101 near the Sylvandale interchange to one-tenth of a mile north of Jordan Creek.

SEC. 63.5. Section 563 of the Streets and Highways Code is amended to read:

563. Route 263 is from Route 96 near the confluence of the Shasta and Klamath Rivers southwesterly to Route 5 near the north city limits of Yreka.

SEC. 63. Section 573 of the Streets and Highways Code is amended to read:

573. Route 273 is from:

(a) Route 5 near Anderson to Route 299 in Redding.

(b) From Route 299 in Redding to Route 5 northeast of Redding.

SEC. 64. Section 580 of the Streets and Highways Code is amended to read:

580. Route 280 is from Route 680 near Story Road to Route 80 near First Street in San Francisco via Daly City.

Joint Highway District No. 10 is dissolved in accordance with the provisions of Chapter 20 of Part 1 of Division 16 of the Streets and Highways Code, and all property, assets, and liabilities of said district are the property of the state.

Notwithstanding the provisions of Section 89 of Chapter 1062 of the Statutes of 1959, construction of all or any portion of Route 280 from Route 101 near Alemany Boulevard to Route 480 near Harrison Street in San Francisco may be commenced at any time, if the City and County of San Francisco has conveyed or does convey to the State of California, without charge, all real property presently acquired by it for the construction of said portion of this route or such portion thereof.

SEC. 65. Section 616 of the Streets and Highways Code is amended to read:

616. Route 480 is from Route 280 near Harrison Street in San Francisco to the junction of Route 1, Funston approach, and the approach to the Golden Gate Bridge in the Presidio of San Francisco passing near the intersection of Lombard Street and Van Ness Avenue.

SEC. 66. Section 619 of the Streets and Highways Code is amended to read:

619. Route 605 is from:

(a) Route 1 near Seal Beach to Route 405.

(b) Route 405 to Route 10 near the San Gabriel River.

(c) Route 10 to Route 210 near Duarte.

Route 605 shall be known and designated as the "San Gabriel River Freeway."

SEC. 67. Section 635 of the Streets and Highways Code is amended to read:

635. State Highway Route 1 from Las Cruces to San Francisco shall be known and designated as the "Cabrillo Highway."

State highway routes embracing portions of Routes 280, 82, 101, 5, and 72 and extending in a continuous route from San Francisco southerly to the international border and near the route historically known as El Camino Real shall be known and designated as "El Camino Real."

State Highway Route 1 from south of San Juan Capistrano to near El Rio shall be known and designated as the "Pacific Coast Highway."

SEC. 68. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Recent action taken by the federal government has resulted in certain state highways possessing federal route designations that are at complete variance with the route designations contained in state law. This major discrepancy in route designations is causing considerable administrative confusion

which will necessarily result in conflicting directional signing that will cause great confusion to the public and unnecessary inconvenience to motorists in the near future if such discrepancy is not corrected at an early date.

CHAPTER 283

An act to amend Section 28120 of the Government Code, relating to compensation of county officers.

[Approved by Governor June 11, 1968 Filed with Secretary of State June 11, 1968]

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

SECTION 1. Section 28120 of the Government Code is amended to read:

28120. In a county of the 20th class the following shall receive as compensation for services required of them by law or by virtue of their offices the following sums:

(a) The auditor, sixteen thousand five hundred dollars ($16,500) a year.

(b) The district attorney, twenty-one thousand five hundred dollars ($21,500) a year. He shall devote his entire time to the duties of his office, and shall not engage in private law practice.

(c) Each supervisor, including the chairman, ten thousand dollars ($10,000) a year for all services required by law or by virtue of the office, and to each supervisor seven cents ($0.07) a mile in traveling to and from his place of residence to the courthouse on each day of a board meeting.

Each member of the board of supervisors shall devote his entire time, during the business hours of the day, to the duties of his office.

Any supervisor when required to travel within or without the county on official business of the county may use or travel in any vehicle owned and maintained by the county for official purposes. When traveling on official business the expense of maintenance and upkeep of such automobiles and of all necessary supplies shall be borne by the county.

(d) The fees for jurors shall be as follows:

For each day's attendance as a trial juror in the superior court, or in a justice court in civil and criminal cases, six dollars ($6) per day.

For each mile actually and necessarily traveled each day in attending court as a juror and returning therefrom, seven and one-half cents ($0.075).

For acting as a grand juror each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, five dollars

($5), and ten cents ($0.10) for each mile actually traveled. A grand juror excused at his own request is not entitled to a per diem fee, but is entitled to mileage, ten cents ($0.10) for each mile actually and necessarily traveled.

The compensation provided for by this section shall be paid to incumbent officers.

CHAPTER 284

An act to add Section 4106.1 to the Welfare and Institutions Code, relating to state hospitals and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 11, 1968 Filed with Secretary of State June 11, 1968]

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

SECTION 1. Section 4106.1 is added to the Welfare and Institutions Code, to read:

4106.1. The Director of General Services may sell, to the City of San Bernardino, under such terms, conditions and restrictions as he deems to be for the best interests of the state, the following described property on the site of the Patton State Hospital:

Beginning at a point in the centerline of Highland Avenue, which point is Westerly thereon a distance of 246.15 feet from the intersection of said centerline with the centerline of Orange Street; thence North 89° 43′ 01″ East along said centerline of Highland Avenue, a distance of 246.15 feet to the centerline of said Orange Street; thence North 00° 21′ 29″ West along said centerline of Orange Street, a distance of 460.60 feet; thence North 82° 29′ 49″ West, a distance of 186.86 feet; thence South 63° 18′ 31″ West, a distance of 68.21 feet; thence Southerly in a straight line a distance of 455.50 feet, more or less, to the point of beginning, containing 91,476 square feet (2.1 acres), more or less.

Any cost or expenses incurred in the disposition of such property shall be reimbursed from the proceeds of such disposition. The balance of any moneys received from the disposition of such property shall be paid into the General Fund.

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

The provisions of this act permit the construction by the City of San Bernardino of an improved and fully equipped and manned fire station to protect Patton State Hospital. It is necessary to the health and welfare of the patients of the hospital that this fire protection be provided as soon as possible.

CHAPTER 285

An act to amend Sections 74660, 74661, 74662, 74663, 74664, 74665, 74666, 74668, 74670, 74671, 74672, 74673, 74674 and 74675 of, and to repeal Section 74669 of, the Government Code, relating to municipal courts.

[Approved by Governor June 11, 1968. Filed with Secretary of State June 11, 1968.]

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

SECTION 1. Section 74660 of the Government Code is amended to read:

74660. This article applies only to municipal courts established in the following judicial districts in the County of Santa Clara:

(a) A district embracing the Cities of San Jose and Milpitas designated as the San Jose-Milpitas Judicial District;

(b) A district embracing the Cities of Santa Clara and Cupertino, designated as the Santa Clara-Cupertino Judicial District;

(c) A district embracing the Cities of Los Gatos, Campbell, and Saratoga designated as the Los Gatos-Campbell-Saratoga Judicial District;

(d) A district embracing the City of Sunnyvale designated as the Sunnyvale Judicial District; and

(e) A district embracing the Cities of Palo Alto and Mountain View designated as the Palo Alto-Mountain View Judicial District.

SEC. 2. Section 74661 of the Government Code is amended to read:

74661. Each of the municipal court districts established in the County of Santa Clara shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

San Jose-Milpitas Judicial District	10
Santa Clara-Cupertino Judicial District	2
Los Gatos-Campbell-Saratoga Judicial District	1
Sunnyvale Judicial District	2
Palo Alto-Mountain View Judicial District	4

SEC. 3. Section 74662 of the Government Code is amended to read:

74662. In the San Jose-Milpitas Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 49.5. The clerk may appoint:

(a) 1 chief deputy court clerk who shall receive a salary as specified in range 44.5.

(b) 3 deputy court clerks, grade IV, each of whom shall receive a salary as specified in range 38.

(c) 18 deputy court clerks, grade III, each of whom shall receive a salary as specified in range 37.

(d) 30 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 32.

(e) 18 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 29.

SEC. 4. Section 74663 of the Government Code is amended to read:

74663. In the Santa Clara-Cupertino Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 46.5. The clerk may appoint:

(a) 1 senior deputy court clerk who shall receive a salary as specified in range 41.5.

(b) 3 deputy court clerks, grade III, each of whom shall receive a salary as specified in range 37.

(c) 6 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 32.

(d) 3 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 29.

SEC. 5. Section 74664 of the Government Code is amended to read:

74664. In the Los Gatos-Campbell-Saratoga Judicial District there shall be one clerk who shall also act as secretary to the judge and who shall receive a salary as specified in range 46.5. The clerk may appoint:

(a) 1 senior deputy court clerk who shall receive a salary as specified in range 41.5.

(b) 2 deputy court clerks, grade III, who shall receive a salary as specified in range 37.

(c) 3 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 32.

(d) 3 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 29.

SEC. 6. Section 74665 of the Government Code is amended to read:

74665. In the Sunnyvale Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 46.5. The clerk may appoint:

(a) 1 senior deputy court clerk who shall receive a salary as specified in range 41.5.

(b) 3 deputy court clerks, grade III, each of whom shall receive a salary as specified in range 37.

(c) 6 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 32.

(d) 3 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 29.

SEC. 7. Section 74666 of the Government Code is amended to read:

74666. In the Palo Alto-Mountain View Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 47.5.

The clerk may appoint:

(a) 1 senior deputy court clerk who shall receive a salary as specified in range 42.5.

(b) 7 deputy court clerks, grade III, each of whom shall receive a salary as specified in range 37.

(c) 9 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 32.

(d) 6 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 29.

SEC. 8. Section 74668 of the Government Code is amended to read:

74668. In each of the municipal court districts in the County of Santa Clara all per diem fees otherwise payable by law by the parties to proceedings in the court to official reporters or official reporters pro tempore shall be paid to the clerk of the court. All fees shall be deposited in the treasury of the county to the credit of the general fund.

SEC. 9. Section 74669 of the Government Code is repealed.

SEC. 10. Section 74670 is amended to read:

74670. In each of the municipal court districts in the County of Santa Clara fees for transcription of testimony and proceedings in such courts shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law, the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive, which shall be paid from the county treasury.

SEC. 11. Section 74671 of the Government Code is amended to read:

74671. In each of the municipal court districts in the County of Santa Clara no further fee shall be collected from, or assessed against, any party to any proceeding for the services of a phonographic reporter in taking down in shorthand the testimony and other proceedings in the trial or hearing of any matter as required by law or by order of the court. Such phonographic reporter shall be allowed and shall receive, unless waived by him, the fees allowed by law for transcribing his shorthand notes of the testimony and proceedings reported by him, and such fees for transcriptions shall be paid as provided by Sections 69947 to 69953, inclusive, and by any other law pertinent to the case.

SEC. 12. Section 74672 of the Government Code is amended to read:

74672. In each of the municipal court districts in the County of Santa Clara in any civil action or proceeding where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300), in addition to a fee

or fees required by Sections 72054 to 72073, inclusive, a fee of nine dollars and fifty cents ($9.50) shall be paid to the clerk of the municipal courts, by each party, or jointly by parties appearing jointly, once only in any such action or proceeding in the following instances:

(a) Upon the filing of a complaint or complaint in intervention where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

(b) Upon the filing of an answer where the principal amount of the prayer of the complaint being answered, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

SEC. 13. Section 74673 of the Government Code is amended to read:

74673. In each of the municipal court districts in the County of Santa Clara the fee required by Section 74672 shall be taxed as costs in favor of any party paying it and to whom costs are awarded by the judgment of the court. It is not subject to Section 6103.

The clerks of the municipal courts shall transmit to the county treasurer in accordance with Section 24353 all money paid to him pursuant to Section 74622. The money shall be deposited in the general fund of the county.

SEC. 14. Section 74674 of the Government Code is amended to read:

74674. In each of the municipal court districts in the County of Santa Clara official reporters, appointed pursuant to Section 72194 shall be attachés of such courts and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such courts, shall receive a biweekly salary of four hundred seventy-four dollars and forty cents ($474.40), which shall be a charge against the general fund of the county. During the hours which the courts are open for transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

SEC. 15. Section 74675 of the Government Code is amended to read:

74675. In each of the municipal court districts in the County of Santa Clara the judges of such courts, pursuant to Section 72194, may appoint as many additional reporters as the business of the courts may require, who shall be known as official reporters pro tempore, and who shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees pro-

vided in said sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive forty-five dollars ($45) a day, which shall upon order of the court be a charge against the general fund of the county.

CHAPTER 286

An act to amend Section 10751 of the Education Code, relating to pupil records.

[Approved by Governor June 11, 1968. Filed with Secretary of State June 11, 1968.]

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

SECTION 1. Section 10751 of the Education Code is amended to read:

10751. No teacher, principal, employee, or governing board member of any public, private, or parochial school, including colleges and universities, shall give out any personal information concerning any particular pupil enrolled in the school in any class to any person except under judicial process unless the person is one of the following:

(a) Either parent or a guardian of such pupil.

(b) A person designated, in writing, by such pupil if he is an adult, or by either parent or a guardian of such pupil if he is a minor.

(c) An officer or employee of a public, private, or parochial school where the pupil attends, has attended, or intends to enroll.

(d) An officer or employee of the United States, the State of California, or a city, city and county, or county seeking information in the course of his duties.

(e) An officer or employee of a public or private guidance or welfare agency of which the pupil is a client.

Restrictions imposed by this act are not intended to interfere with the giving of information by school personnel concerning participation in athletics and other school activities, the winning of scholastic or other honors and awards, and other like information. Notwithstanding the restrictions imposed by this section, a governing board may, in its discretion, provide information to the staff of a college, university, or educational research and development organization or laboratory if such information is necessary to a research project or study conducted, sponsored, or approved by the college, university, or educational research and development organization or laboratory and if no pupil will be identified in the completed report or in any public report of the research project or study, and an employer or potential employer of the pupil may be furnished the age and scholastic record of the pupil and employment recommendations prepared by members of the school

staff, and rosters or lists containing the names and addresses of seniors in public, private, or parochial high schools or junior colleges may be furnished to private business or professional schools and colleges.

CHAPTER 287

An act to amend Section 1240 of, and to add Sections 584.5 and 584.6 to, the Probate Code, relating to investment of surplus moneys in a decedent's estate.

[Approved by Governor June 11, 1968. Filed with Secretary of State June 11, 1968.]

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

SECTION 1. Section 584.5 is added to the Probate Code, to read:

584.5. When the time for filing or presenting claims has expired and all uncontested claims have been paid or are sufficiently secured by mortgage, or otherwise, but the estate is not in a condition to be finally closed and distributed, the court may authorize a personal representative to invest and reinvest any surplus moneys in his hands in any manner provided by the will. If the personal representative believes it advisable to make such investments, the personal representative shall file a verified petition showing the general condition of the estate and the types of investments which the personal representative proposes to make. The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by Section 1200. The personal representative shall cause notice of the hearing and a copy of the petition to be mailed to all known legatees and devisees of property which is proposed to be invested, at their last known addresses, as provided in Section 1200, whether or not they have requested special notice or given notice of appearance. Where the property which is proposed to be invested is left by the will to a trustee, notice of the hearing and a copy of the petition shall be mailed to the trustee and to all persons in being who shall or may participate in the corpus or income of the trust, at their last known addresses, as provided in Section 1200, whether or not they have requested special notice or given notice of appearance.

SEC. 2. Section 584.6 is added to the Probate Code, to read:

584.6. At the time appointed, the court shall hear the petition if no objection thereto has been filed by any interested party, and if the court is satisfied that there is no substantial reason why some or all of the investment powers given by the will should not be exercised, it shall make an order authorizing the personal representative to invest and reinvest such portion of the proceeds of sales or any other surplus moneys of the estate

as the court shall deem advisable in such types of investments as the personal representative has proposed and which are authorized by the will. The order may be for a limited period or until the administration of the estate is completed, and may be renewed, modified or terminated at any time, upon the petition of any person interested and a hearing after notice given for the period and in the manner required by Section 1200.

SEC. 3. Section 1240 of the Probate Code is amended to read:

1240. An appeal may be taken from an order granting or revoking letters testamentary or of administration; admitting a will to probate or revoking the probate thereof; setting aside an estate claimed not to exceed two thousand five hundred dollars ($2,500) in value; setting apart property as a homestead or claimed to be exempt from execution; confirming a report of an appraiser or appraisers in setting apart a homestead; granting or modifying a family allowance; directing or authorizing the sale or conveyance or confirming the sale of property; settling an account of an executor or administrator or trustee, or instructing or appointing a trustee; instructing or directing an executor or administrator; directing or allowing the payment of a debt, claim, legacy or attorney's fee; determining heirship or the persons to whom distribution should be made or trust property should pass; distributing property; refusing to make any order heretofore mentioned in this section; fixing an inheritance tax or determining that none is due; or authorizing a personal representative to invest or reinvest any surplus moneys pursuant to Section 584.5.

CHAPTER 288

An act to amend Sections 5701, 5702, 6501, 6502, 6504, 6522, 6722, 6922, 6923, 6924, 6925, 6965, 6968, and 6970 of, to amend the heading of Article 4 (commencing with Section 6761) of Chapter 1 of Part 3 of Division 4 of, to amend the heading of Article 4 (commencing with Section 6961) of Chapter 2 of Part 3 of Division 4 of, to amend and renumber Section 6926 of, to add Sections 6505, 6506, 6926, 6961, and 52333 to, to repeal Sections 6503, 6961, 6962, 6963, 6964, 6966, 6967, and 6969 of, and to repeal Article 3 (commencing with Section 6941) of Chapter 2 of Part 3 of Division 4 of, the Agricultural Code, relating to nursery stock.

[Approved by Governor June 11, 1968. Filed with Secretary of State June 11, 1968.]

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

SECTION 1. Section 5701 of the Agricultural Code is amended to read:

5701. If any pest exists on any premises, the director or the commissioner may hold any plant or other thing which is, or may be, capable of disseminating or carrying such pest. He shall notify the owner of the plant or other thing, or his agent, of such action, and the issuance of any shipping permit or nursery stock certificate with respect to such plant or other thing shall be refused and any such permit or certificate which has been previously issued shall be revoked.

SEC. 2. Section 5702 of the Agricultural Code is amended to read:

5702. If, in the opinion of the director or commissioner, the plant or other thing has been disinfected or cleaned so as to eradicate or control the pest, he shall in writing release it or issue the shipping permit or nursery stock certificate as the case may be.

SEC. 3. Section 6501 of the Agricultural Code is amended to read:

6501. Except as otherwise provided in Section 6502, 6504, 6506, or 6924, it is unlawful for any person to receive or bring into any county or locality of the state from another county or locality within the state any nursery stock, or any other plant, appliance, or thing which the commissioner or the director considers and designates to be liable to be infected or infested with any pest, unless he does both of the following:

(a) Notifies the commissioner of the arrival of the article immediately after its arrival.

(b) Holds it for immediate inspection by the commissioner, without unnecessarily moving or placing the article where it may be harmful.

SEC. 4. Section 6502 of the Agricultural Code is amended to read:

6502. Any shipment of less than five pounds of agricultural, vegetable, or flower seed, or comprised of packages of less than three pounds of each kind of such seed, is exempt from the requirements of this article. The shipping permit which would be required by Article 2 (commencing with Section 6921), Chapter 2, Part 3, of this division for such a shipment may be waived by the commissioner.

SEC. 5. Section 6503 of the Agricultural Code is repealed.

SEC. 6. Section 6504 of the Agricultural Code is amended to read:

6504. Except as provided in Sections 6505, 6506, and 6923 any shipment of nursery stock which is moved from one county or locality to another county or locality which is accompanied by a valid nursery stock certificate or is sold at retail and delivered to the purchaser at a licensed sales location as provided in Section 6924 is exempt from the requirements of this article

SEC. 7. Section 6505 is added to the Agricultural Code, to read:

6505. The commissioner may waive the exemption in Section 6504 by written notice to the director designating the kind

of nursery stock, and the pest that may be transmitted thereby, which shall be held for inspection as provided in Section 6501, upon arrival in the county or locality described in the notice.

SEC. 7.1. Section 6506 is added to the Agricultural Code, to read:

6506. Any shipment of seed from an origin inspected warehouse is exempt from the requirements of this article.

SEC. 8. Section 6522 of the Agricultural Code is amended to read:

6522. The officer who makes the inspection of a shipment which is described in Section 6521 may affix a warning tag or notice to the shipment and shall notify in writing the owner or bailee of the shipment to return the shipment to the point of shipment within the time limit which the officer shall specify in the notice which shall be 48 hours, unless a longer or shorter period is determined to be necessary to accomplish the purposes of this article. The owner or bailee shall, at his own expense, return the shipment under the direction and control of the commissioner. If the owner or bailee fails to return the shipment within the time which is specified, the commissioner shall destroy it.

SEC. 9. Section 6722 of the Agricultural Code is amended to read:

6722. Except as provided in Section 6761, the director, upon receipt of the total license fee which is established pursuant to Section 6723, shall issue a license to sell nursery stock for the fiscal year to any person that sells or seeks to sell plants, as defined in Section 5007, for planting, propagation, or ornamentation. The applicant shall further satisfy the director of his character and good faith in seeking to carry on the business of selling nursery stock.

SEC. 9.1. The heading of Article 4 (commencing with Section 6761) of Chapter 1 of Part 3 of Division 4 is amended to read:

Article 4. Refusal, Revocation and Suspension

SEC. 10. Section 6922 of the Agricultural Code is amended to read:

6922. Except as otherwise provided in Sections 6502, 6504, 6505, 6506, and 6924, it is unlawful for any person to sell, deliver, or transport any nursery stock from one county to another county within the state unless he has affixed to such nursery stock in a conspicuous place one of the following which is issued by the commissioner of the county of origin:

(a) A shipping permit that warns that inspection at destination is required.

(b) A valid nursery stock certificate.

SEC 11. Section 6923 of the Agricultural Code is amended to read:

6923. Except as otherwise provided in Section 6502 or Section 6506, it is unlawful for any person to sell, deliver, or transport from one locality to another locality within the

same county any nursery stock which the commissioner considers and designates to be liable to be infested with any pest, unless he has affixed to such nursery stock in a conspicuous place one of the following:

(a) A shipping permit that warns that inspection at destination is required.

(b) A valid nursery stock certificate issued by the commissioner of the county which gives notice that inspection at destination is not required.

SEC. 12. Section 6924 of the Agricultural Code is amended to read:

6924. Except as provided in Sections 6505, 6506, and 6923 a nursery stock certificate need not be affixed to nursery stock if it is sold at retail and delivered to the purchaser at any sales location which is licensed in accordance with Article 2 (commencing with Section 6721) and Article 3 (commencing with Section 6741) of Chapter 1 of this part.

SEC. 13. Section 6925 of the Agricultural Code is amended to read:

6925. It is unlawful for any person to move, any nursery stock from one locality to another locality within the same county under conditions provided in Section 6926 or from one county to another county within the state, except nursery stock which is accompanied by a valid nursery stock certificate, unless such person forwards, at or prior to the time of shipment, to the commissioner who has jurisdiction at the destination, a manifest which states all of the following:

(a) Name and address of the shipper.

(b) Name and address of the person to whom the shipment is being forwarded.

(c) Name and quantity of each kind of plant which is contained in the shipment.

(d) Name of the locality where each kind of nursery stock was grown.

(e) Name of the carrier by which the shipment is being transported, whether by freight, express, mail, truck, boat, airplane, or otherwise.

The requirement for a manifest does not apply to any shipment of seeds.

SEC. 14. Section 6926 of the Agricultural Code is amended and renumbered to read:

6927. It is unlawful for any person to alter any shipping permit or nursery stock certificate or to use it in any manner other than as provided in this chapter.

SEC. 15. Section 6926 is added to the Agricultural Code, to read:

6926. It is unlawful to move nursery stock from one locality to another locality within the same county without forwarding a manifest as provided in Section 6925 if the commissioner has required such nursery stock to be held for inspection as provided in Section 6505.

SEC. 16. Article 3 (commencing with Section 6941) of Chapter 2 of Part 3 of Division 4 of the Agricultural Code is repealed.

SEC. 17. The heading of Article 4 (commencing with Section 6961) of Chapter 2 of Part 3 of Division 4 of the Agricultural Code is amended to read:

Article 4. Nursery Stock Certificates and Shipping Permits

SEC. 18. Section 6961 of the Agricultural Code is repealed.

SEC. 19. Section 6961 is added to the Agricultural Code, to read:

6961. The director may issue regulations which will govern the issuance and form of nursery stock certificates and shipping permits and their use on shipments of nursery stock, to insure the relative freedom from pests of all nursery stock which is produced or sold within the state, and which will evidence compliance with the following.

(a) The inspections and standards of cleanliness in Article 1 (commencing with Section 6901).

(b) The nursery stock grades and standards in Chapter 5 (commencing with Section 53301).

(c) Any other law, or lawful order which is issued by the director or the commissioner, relating to the production or sale of nursery stock within the state, or any shipment thereof except where a specific certificate or permit is required by any quarantine regulation which is issued pursuant to Sections 5301, 5302, or 5322.

SEC. 20. Section 6962 of the Agricultural Code is repealed.

SEC. 21. Section 6963 of the Agricultural Code is repealed.

SEC. 22. Section 6964 of the Agricultural Code is repealed.

SEC. 23. Section 6965 of the Agricultural Code is amended to read:

6965. The commissioner may issue and authorize the use of nursery stock certificates as provided for in this article.

SEC. 24. Section 6966 of the Agricultural Code is repealed.

SEC. 25. Section 6967 of the Agricultural Code is repealed.

SEC. 26. Section 6968 of the Agricultural Code is amended to read:

6968. The commissioner may revoke or suspend the right to use any nursery stock certificate or shipping permit which is issued to any person that fails to comply with the provisions of this chapter, Chapter 5 (commencing with Section 53301), or any regulation issued pursuant thereto.

SEC. 27. Section 6969 of the Agricultural Code is repealed.

SEC. 28. Section 6970 of the Agricultural Code is amended to read:

6970. It is unlawful for any person, whose right to use any nursery stock certificate or shipping permit has been revoked or suspended, to refuse to surrender to the commissioner, upon demand, any unused certificate or shipping permit.

SEC. 29. Section 52333 is added to the Agricultural Code, to read:

52333. The director may, by regulation, adopt standards, including noxious weed seed and other pest standards, for premises from which seed shipments are exempt from the provisions of Section 6501 and shall designate such premises as origin inspected warehouses.

CHAPTER 289

An act to amend Section 28157 of the Government Code, relating to county officers' salaries.

[Approved by Governor June 11, 1968 Filed with Secretary of State June 11, 1968.]

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

SECTION 1. Section 28157 of the Government Code is amended to read:

28157. In a county of the 57th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand three hundred dollars ($9,300) a year.

(b) The district attorney, thirteen thousand six hundred eighty dollars ($13,680) a year. He shall devote his entire time to the duties of his office, and shall not engage in the private practice of law during his term of office.

(c) Each supervisor, four thousand eight hundred dollars ($4,800) a year and twenty cents ($0.20) a mile one way to board meetings.

(d) Jurors' fees shall be as follows: for each day's attendance as a grand juror or trial juror in the superior court six dollars ($6), and twenty cents ($0.20) for each mile actually traveled in attending court as such juror, in going only. The county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror. The auditor shall draw his warrant therefor, and the treasurer shall pay the warrant.

SEC. 2. Notwithstanding Sections 28160 and 53071 of the Government Code, the salary increase granted to the board of supervisors by the amendment of Section 28157 of the Government Code at the 1968 Regular Session of the Legislature shall not become effective until a supervisor shall have entered upon a new term of office on such board after the effective date of this act.

CHAPTER 290

An act to amend Section 21208 of the Financial Code, relating to pawnbrokers.

[Approved by Governor June 11, 1968. Filed with Secretary of State June 11, 1968.]

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

SECTION 1. Section 21208 of the Financial Code is amended to read:

21208. Every pawnbroker shall report daily all descriptions of all property received in pawn or purchased as secondhand merchandise, in whatever quantity received, including property purchased as secondhand merchandise at wholesale, secondhand merchandise taken in for sale or possessed on consignment for sale, and secondhand merchandise taken in trade; provided, however, that no such report need be made concerning property or merchandise acquired from another pawnbroker in a transaction involving the purchase or other acquisition from the other pawnbroker of his stock in trade or a substantial part thereof in bulk, where the other pawnbroker has made the reports required by this section with respect to that property or merchandise.

If the transaction took place within the territorial limits of an incorporated city, the report shall be submitted to the chief of police of the city. If the transaction took place outside the territorial limits of an incorporated city, the reports shall be submitted to the sheriff of the county.

All reports shall be on forms approved by or prescribed by the Chief of the Bureau of Criminal Identification and Investigation. They shall otherwise comply with and be submitted in accordance with the terms of any applicable city, county, or city and county ordinances requiring such reporting. In the absence of local ordinances requiring such reporting, the reports shall be submitted to the chief of police or the sheriff.

CHAPTER 291

An act to amend Sections 6502 and 7706 of the Public Resources Code, relating to filing fees.

[Approved by Governor June 11, 1968. Filed with Secretary of State June 11, 1968.]

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

SECTION 1. Section 6502 of the Public Resources Code is amended to read:

6502. Any person, firm or corporation desiring to lease any of the lands owned by the state, or in which the state

may have an interest, and which are under the jurisdiction of the commission, for any purpose not prohibited or otherwise provided for by law, may make application therefor to the commission, describing the lands sought to be leased by legal subdivisions, or, if such lands are unsurveyed, by metes and bounds or by such other method as the commission may prescribe. The application shall be accompanied by a filing fee of twenty-five dollars ($25). No filing fee shall be required of the United States or any agency thereof, or of this state, its agencies or political subdivisions.

All applications to lease lands under this chapter shall be approved or rejected by the commission within 180 days after receipt thereof.

SEC. 2. Section 7706 of the Public Resources Code is is amended to read:

7706. Each application for lands shall be accompanied by a fee of twenty-five dollars ($25), and no application shall be filed, or noted in any way until the fee is paid. Such fees shall be paid into the State Treasury on the first Monday of each month, and placed to the credit of the General Fund. The commission shall, on the first Monday of each month, make a written report to the State Controller, stating the amount of fees so paid, together with the sources from which they were derived, and the several amounts, by items.

CHAPTER 292

An act to amend Section 70.2 of the Harbors and Navigation Code, relating to small craft harbors.

[Approved by Governor June 11, 1968. Filed with Secretary of State June 11, 1968.]

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

SECTION 1. Section 70.2 of the Harbors and Navigation Code is amended to read:

70.2. The department may prepare or contract for the preparation of plans for, acquire or contract for the acquisition of, construct or contract for the construction of, develop and improve or contract for the development and improvement of, any portion of coastal small craft harbors which normally are nonrevenue producing, such as jetties, breakwaters, dredging, seawalls, piers, and communication centers.

This program may be conducted in cooperation with the federal government for harbor development along the coastline of California. In such cooperative projects, the department may assume the role of "local sponsor" as that term is used in agreements with the federal government with regard to those projects referred to in this section, providing that before the department may assume the role of "local sponsor" it shall

determine to its satisfaction that the local entity which would otherwise be designated as local sponsor cannot fulfill the obligations commensurate with that designation.

If the nonrevenue producing facilities are to be a portion of an existing harbor, the department, prior to construction thereof, shall enter into an agreement with the local governing body of the harbor which provides that revenues from harbor operations and harbor district taxes, if any, shall serve as security for repayment of the state contribution to the cost of construction and the local governing body shall assume responsibility for the operation and maintenance of the facilities constructed under the agreement. If, however, unencumbered income to the harbor is insufficient to repay construction costs, such repayment shall be deferred until the department determines that such income is sufficient to initiate repayment thereof.

If nonrevenue producing facilities are to be constructed at a location where no harbor operation is being conducted by any governmental entity, the department may initiate construction of such facilities after securing an agreement with the appropriate local jurisdiction that the local entity shall assume the responsibility of operation and maintenance thereof and repayment of all costs of the department related thereto Repayment of costs shall commence when it has been determined by the department that revenues attributable to such harbor operations are sufficient for the local entity to assume such responsibilities.

Prior to the date so determined by the department, the department may reimburse the local governing body annually for any deficiency of revenues to the harbor as determined by the division to meet the costs of operation and maintenance of the project.

Harbor facilities provided by the department pursuant to this section shall be defined as nonrevenue producing features for the purpose of the term of repayment under subdivision (g) of Section 71.8.

CHAPTER 293

An act to add Chapter 4 (commencing with Section 440) to Division 2, Title 1, of the Government Code, relating to the Seal of the Senate of the State of California.

[Approved by Governor June 11, 1968. Filed with Secretary of State June 11, 1968.]

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

SECTION 1. Chapter 4 (commencing with Section 440) is added to Division 2, Title 1, of the Government Code, to read:

CHAPTER 4. SEAL OF THE SENATE

440. The general design and details of the Seal of the Senate of the State of California, excluding colors, shall correspond substantially with the following representation thereof:



441. When the Seal of the Senate is prepared in color, the following colors shall be used:

The outer circle and the words "Seal of the Senate of the State of California" shall be Popcorn, Cable No. 70203; the second circle and the shadow of each letter shall be Tobacco, Cable No. 70095; the third circle shall be Ivory, Cable No. 70002; the field of the seal shall be Forget-me-not, Cable No. 70012; the oak leaves shall be Evergreen, Cable No. 70036 with veins of Crab Apple, Cable No. 70149, Reseda, Cable No. 70035 with veins of Evergreen, Cable No. 70036, Mosstone, Cable No. 70155 with veins of Scarlet, Cable No. 70080, and Olive, Cable No. 70156 with veins of Mosstone, Cable No. 70155; the scroll shall be shades of Champagne, Cable No. 70091 and Oakwood, Cable No. 70094; the word "Legis," the flourish, and "MDCCCL" shall be Oakwood, Cable No. 70094; the roller knobs shall be shades of Tobacco, Cable No. 70095 and Champagne, Cable No. 70091; the quill shall be shades of Purple, Cable No. 70060 and Homage Blue, Cable No. 70078; the acorns shall be shades of Caramel Brown, Cable No. 70120 and Burnished Straw, Cable No. 70117.

All Cable number colors herein specified are those of the Textile Color Card Association of the United States, Inc., New York.

442. The use of the Seal of the Senate shall be as prescribed by the Rules of the Senate. Every person who maliciously or for commercial purposes or contrary to the Rules of the Senate uses or allows to be used any reproduction or facsimile of the Seal of the Senate in any manner whatsoever is guilty of a misdemeanor.

CHAPTER 294

An act to add Section 54931.8 to the Government Code, relating to boundaries, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 11, 1968 Filed with Secretary of State June 11, 1968]

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

SECTION 1. Section 54931.8 is added to the Government Code, to read:

54931.8. Notwithstanding the provisions of Sections 54902 and 54903 or any other provisions of this chapter, any change of boundaries of any city effected pursuant to the provisions of Title 4, Division 2, Part 2, Chapter 3, Article 2, of the Government Code (Municipal Consolidation Act of 1913), which was completed after March 1, 1968, but prior to the effective date of this section, shall be effective for assessment and taxation purposes in 1968 and thereafter if the statement and map or plat as required by Sections 54900 and 54901 are filed by the city with the county assessor of the county in which the city is located and the State Board of Equalization in Sacramento on or before June 30, 1968, rather than on January 1, 1968.

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

A city whose boundaries are changed in 1968 by reason of consolidation proceedings under Title 4, Division 2, Part 2, Chapter 3, Article 2, of the Government Code (Municipal Consolidation Act of 1913) which did not become complete until after March 1, 1968, will be required to provide urgent and necessary municipal services to the area which was annexed to, joined to and merged into the consolidated city and if such city is unable to assess and tax property within such area for the year 1968 an undue hardship will be imposed and it is, therefore, necessary that his act take effect immediately

CHAPTER 295

An act to amend Section 73431 of the Government Code, relating to municipal judges in Kern County.

[Approved by Governor June 11, 1968. Filed with Secretary of State June 11, 1968.]

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

SECTION 1. Section 73431 of the Government Code is amended to read:

73431. There shall be five judges. On and after July 1, 1969, there shall be six judges

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CHAPTER 296

An act to add Section 25503.7 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 11, 1968. Filed with Secretary of State June 11, 1968.]

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

SECTION 1. Section 25503.7 is added to the Business and Professions Code, to read:

25503.7. A winegrower or beer manufacturer may serve food and alcoholic beverages to any person, including a person licensed under this division and his employees and representatives, who is attending a meeting held upon or who is visiting the premises of the winegrower or beer manufacturer.

CHAPTER 297

An act to add Sections 69508.5 and 72271.5 to the Government Code, relating to judges.

[Approved by Governor June 11, 1968. Filed with Secretary of State June 11, 1968.]

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

SECTION 1. Section 69508.5 is added to the Government Code, to read:

69508.5. In courts with two judges a presiding judge shall be selected by the judges each calendar year and the selection should be on the basis of administrative qualifications and interest. If a selection cannot be agreed upon, then the office of presiding judge shall be rotated each calendar year between the two judges, commencing with the senior judge. If the

judges are of equal seniority, the first presiding judge shall be selected by lot.

SEC. 2. Section 72271.5 is added to the Government Code, to read:

72271.5. In courts with two judges a presiding judge shall be selected by the judges each calendar year and the selection should be on the basis of administrative qualifications and interest. If a selection cannot be agreed upon, then the office of presiding judge shall be rotated each calendar year between the two judges, commencing with the senior judge. If the judges are of equal seniority, the first presiding judge shall be selected by lot.

CHAPTER 298

An act to amend Sections 74922, 74923, 74924, 74925, 74926, and 74927 of the Government Code, relating to courts.

[Approved by Governor June 11, 1968. Filed with Secretary of State June 11, 1968.]

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

SECTION 1. Section 74922 of the Government Code is amended to read:

74922. There shall be one clerk who shall receive the salary specified in range No. 30.

SEC. 2. Section 74923 of the Government Code is amended to read:

74923. The clerk may appoint one assistant clerk who shall receive the salary specified in range No. 26, two senior clerks who shall receive the salary specified in range No. 20, and five intermediate clerk-typists who shall receive the salary specified in range No. 18.

SEC. 3. Section 74924 of the Government Code is amended to read:

74924. There shall be one marshal who shall receive the salary specified in range No. 30.

SEC. 4. Section 74925 of the Government Code is amended to read:

74925. The marshal may appoint one deputy marshal who shall receive the salary specified in range No. 26, and intermediate clerk-typist who shall receive the salary specified in range No. 18 and who shall serve as clerk to the marshal.

SEC. 5. Section 74926 of the Government Code is amended to read:

74926. Whenever reference is made to a range number in any section of this article, the following schedule of monthly salaries shall apply:

Range Number	Step A	Step B	Step C	Step D	Step E
18	$341	$358	$376	$395	$415
18.5	350	367	385	405	425
19	358	376	395	415	436
19.5	367	385	405	425	447
20	376	395	415	436	458
20.5	385	405	425	447	469
21	395	415	436	458	481
21.5	405	425	447	469	493
22	415	436	458	481	505
22 5	425	447	469	493	518
23	436	458	481	505	530
23.5	447	469	493	518	543
24	458	491	505	530	556
24.5	469	493	518	543	570
25	481	505	530	556	584
25.5	493	518	543	570	590
26	505	530	556	584	613
26.5	518	543	570	599	628
27	530	556	584	613	644
27.5	543	570	599	628	660
28	556	584	613	644	676
28.5	570	599	628	660	693
29	584	618	644	676	710
29.5	599	628	660	693	728
30	613	644	676	710	745
30.5	628	660	693	728	764
31	644	676	710	745	782
31.5	660	693	728	764	802
32	676	710	745	782	821
32.5	693	728	764	802	842
33	710	745	782	821	862
33.5	728	764	802	842	884
34	745	782	821	862	905
34.5	764	802	842	884	928
35	782	821	862	905	950
35.5	802	842	884	928	974
36	821	862	905	950	998

SEC. 6. Section 74927 of the Government Code is amended to read:

74927. Subject to the provisions of Section 72001, the compensation of officers and attachés shall be governed as follows:

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

(b) A step advancement from step A to step B of a position shall be granted on the first day of the month following

the completion of 12 full months of service in the position. A person shall advance to steps C, D and E upon completion of successive 12-month periods of service in the same position.

(c) The salaries of municipal court officers and attachés may, upon recommendation by the appointing authority and approval of the board of supervisors, be increased or decreased within the limits set forth in Section 74926 in order to provide compensation which is comparable to compensation received by county employees of similar qualifications and experience and holding equal or comparable positions, as said comparability is determined by the board of supervisors.

(d) Certain classifications in the Visalia Municipal Court are deemed to be equivalent or related in responsibility and salary level to certain classifications in the service of Tulare County and whenever the salary of a classification in the service of Tulare County is adjusted by the board of supervisors, the salary of equivalent classifications and related classifications in the Visalia Municipal Court shall be adjusted an equal number of ranges on the currently effective salary schedule established by county ordinance. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to classifications in the county service, but such adjustments shall be effective no longer than 90 days after the final adjournment of the next regular session of the Legislature.

All class relationships shall be based on salary schedule range assignments effective May 1, 1968.

The equivalent or related classifications are as follows:

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

CHAPTER 299

An act to amend Sections 30520 and 30521 of the Water Code, relating to county water districts.

[Approved by Governor June 11, 1968. Filed with Secretary of State June 11, 1968.]

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

SECTION 1. Section 30520 of the Water Code is amended to read:

30520. Within 30 days after the election of the first directors and thereafter within 30 days after taking office pursuant to Section 23556 of the Elections Code the directors shall meet

and shall elect one of their number president and may elect one of their number vice president.

SEC. 2. Section 30521 of the Water Code is amended to read:

30521. The board shall:

(a) Provide for the time and place of holding its regular meetings.

(b) Provide for the manner of calling special meetings.

CHAPTER 300

An act to add Section 2.1 to the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to the Los Angeles County Flood Control District.

[Approved by Governor June 11, 1968 Filed with Secretary of State June 11, 1968]

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

SECTION 1. Section 2.1 is added to the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), to read:

Sec. 2.1. The board of supervisors of the Los Angeles County Flood Control District, by resolution adopted by four-fifths vote of the members thereof, may establish a Los Angeles County Flood Control District Right of Way Acquisition Revolving Fund, to be used in acquiring rights of way or other interests in real property for purposes authorized by this act, through purchase or condemnation. Money on deposit in said fund shall at no time exceed one-half of 1 percent of the assessed valuation of the Los Angeles County Flood Control District.

The Treasurer of Los Angeles County shall credit the Los Angeles County Flood Control District General Fund with interest on investments of the unexpended balances of said fund at the same rate and in the same manner as interest is credited to unallocated funds of the Los Angeles County Flood Control District in the custody of said treasurer.

CHAPTER 301

An act to amend Section 69900 of the Government Code, relating to courts.

[Approved by Governor June 12, 1968 Filed with Secretary of State June 12, 1968]

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

SECTION 1. Section 69900 of the Government Code is amended to read:

69900. In each county or city and county with a population of over 730,000 and under 850,000, as determined by the 1960 federal census, a majority of the judges of the superior court may appoint the following employees, whose monthly salaries shall be as set forth hereafter:

	Step 1	Step 2	Step 3
Seven judicial secretaries	$735	$753	$772
Two senior deputy clerks	725	740	761
Two deputy information clerks	620	635	651
One calendar clerk	772	800	825
One chief calendar clerk	1,165	1,215	1,265
One domestic relations commissioner	1,345	1,380	1,415
Four deputy domestic relations commissioners	1,020	1,050	1,075
One counselor of conciliation	1,200	1,230	1,260
One counselor in mental health	1,020	1,050	1,075
Two probate court commissioners	1,775	1,819	1,863
One court commissioner	1,775	1,819	1,863
Three assistant court commissioners and law clerks	1,020	1,050	1,075
Four referees—juvenile court	1,775	1,819	1,863
One administrative assistant to juvenile court judge	1,090	1,120	1,145

All figures in the above columns represent the salaries to be paid monthly to each of the attachés so appointed. All original appointments shall be at step 1, called entrance rate, provided that on the first of the month following the first anniversary of the attaché's appointment he shall advance to the second step, called the intermediate step, and thereafter on the first of the month following the second anniversary of the attaché's appointment he shall advance to step 3, called maximum rate, and thereafter shall be paid at the maximum rate. Service in any position enumerated herein prior to the effective date of the amendments to this section enacted at the 1968 Regular Session of the Legislature shall constitute service for the purpose of determining the step at which the attaché is to be paid. Service in any position wherein substantially the same duties have been performed shall also be deemed service for the purpose of determining at which step the attaché is to be paid.

With the approval of the board of supervisors the court may establish such additional titles and pay rates as are required and with the approval of the board of supervisors may appoint and employ such additional commissioners, officers and assistants and other employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon it and its members. Rates of compensation of all officers and assistants and other employees, except those of the executive officer and court commissioners, may be adjusted by

joint action and approval of the board of supervisors and a majority of the judges of the court. Such appointments or changes in compensation made pursuant to this paragraph shall be on an interim basis and shall expire 60 days after the final adjournment of the next regular session of the Legislature unless ratified at such session.

The salaries of such employees shall be paid by the county or city and county in which they serve.

CHAPTER 302

An act to amend Section 13038 of, and to add Sections 13041 and 13071 to, the Public Resources Code, relating to resort improvement districts.

[Approved by Governor June 12 1968. Filed with Secretary of State June 12, 1968.]

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

SECTION 1. Section 13038 of the Public Resources Code is amended to read:

13038. Once each year, the district board shall elect one of its members to serve as president and shall appoint a secretary, who may be a member of the board.

SEC. 2. Section 13041 is added to the Public Resources Code, to read:

13041. The district board may authorize each director to receive compensation not exceeding twenty-five dollars ($25) for each meeting of the board attended by him within the State of California, not exceeding two meetings in any calendar month.

The district board may authorize a director to receive for performing duties for the district other than attending board meetings:

(a) Not to exceed twenty-five dollars ($25) for each day, but payment is limited to five days in any calendar month as to each director other than the president.

(b) Traveling and other expenses actually incurred by him in performing such duties.

The secretary shall receive compensation set by the board, which compensation shall be in lieu of any other compensation to which he may be entitled for attendance at meetings pursuant to this section.

SEC. 3. Section 13071 is added to the Public Resources Code, to read:

13071. The district may hold, use, enjoy, lease or dispose of any of its property.

CHAPTER 303

An act to amend Section 71811 of, and to add Section 71256 to, the Water Code, relating to municipal water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 12, 1968. Filed with Secretary of State June 12, 1968.]

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

SECTION 1. Section 71256 is added to the Water Code, to read:

71256. Notwithstanding any other provision of law any person who represents a municipal water district on the board of directors of any metropolitan water district formed pursuant to the Metropolitan Water District Act may receive compensation and expenses from the municipal water district with respect to service on such board of directors of a metropolitan water district, in the same amount, and upon the same terms, as shall be provided with respect to service on the board of the district. Any compensation or expenses received pursuant to this section shall be in addition to that provided in Section 71255.

SEC. 2. Section 71811 of the Water Code is amended to read:

71811. A district may issue negotiable promissory notes pursuant to this section to acquire funds for any district purposes. The maturity of such promissory notes shall not be later than five years from the date thereof. The total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) in any district but shall not exceed the lesser of either one million five hundred thousand dollars ($1,500,000) or 3 percent of the assessed valuation of the taxable property in the district, or, if the assessed valuation is not obtainable, 3 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate. Promissory notes issued pursuant to Section 71812 may be disregarded in computing the aggregate amount of notes that may be issued pursuant to this section.

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:

Due to current and anticipated economic circumstances, the temporary financing of public improvements and the repayment of such financing has become more difficult under the limited temporary borrowing power found in Section 71811 of the Water Code resulting in the inability of municipal water

districts in some instances to finance and construct currently needed public improvements. Thus it is necessary that this act take effect immediately to eliminate this situation.

CHAPTER 304

An act to add Section 3443.5 to the Revenue and Taxation Code, relating to tax-sold property.

[Approved by Governor June 12, 1968. Filed with Secretary of State June 12, 1968.]

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

SECTION 1. Section 3443.5 is added to the Revenue and Taxation Code, to read:

3443.5. In lieu of the procedure specified in Section 3443, where a machine-prepared roll is used, the fact and date of sale may be entered upon the reproduced roll.

CHAPTER 305

An act to amend Sections 10153.3 and 10153.8 of, and to add Sections 10153.4 and 10153.5 to, the Business and Professions Code, relating to real estate licenses.

[Approved by Governor June 12, 1968. Filed with Secretary of State June 12, 1968.]

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

SECTION 1. Section 10153.3 of the Business and Professions Code is amended to read:

10153.3. The examination for real estate broker license shall, in addition to the requirements of Section 10153, include separate and distinct sessions, devoted to determining that the applicant has both:

(a) An understanding of real estate financing.

(b) An understanding of real estate appraisal.

An applicant for a real estate broker license may, in lieu of meeting the requirements of subdivision (a), submit evidence, satisfactory to the commissioner, of successful completion of a three-semester unit course or the quarter equivalent thereof in real estate financing at an accredited institution of higher learning.

An applicant for a real estate broker license may, in lieu of meeting the requirements of subdivision (b), submit evidence, satisfactory to the commissioner, of successful completion of a three-semester unit course or the quarter equivalent thereof in real estate appraisal at an accredited institution of higher learning.

The provisions of this section shall be effective until December 31, 1972, and thereafter shall have no force or effect.

SEC. 2. Section 10153.4 is added to the Business and Professions Code, to read:

10153.4. On or after January 2, 1970, an applicant for a real estate broker license shall also submit evidence, satisfactory to the commissioner, of successful completion at an accredited institution of higher learning of a three-semester unit course or the quarter equivalent thereof in the legal aspects of real estate and a three-semester unit course or the quarter equivalent thereof in real estate practice. The commisioner shall waive the requirements of this section if the applicant presents evidence of admission to the California State Bar or completion of a course of study equivalent to that required herein.

As used in this section herein and in Sections 10153.3 and 10153.5, "accredited institution" shall mean a college or university which either:

(a) Is accredited by the Western Association of Schools and Colleges or by any other regional accrediting agency recognized by the United States Department of Health, Education and Welfare, Office of Education.

(b) In the judgment of the commissioner, has a real estate curriculum equivalent in quality to that of the institutions accredited pursuant to subdivision (a).

SEC. 3. Section 10153.5 is added to the Business and Professions Code, to read:

10153.5. On or after January 2, 1972, an applicant for a real estate broker license shall also submit evidence, satisfactory to the commissioner, of successful completion at an accredited institution of higher learning of a three-semester unit course or the quarter equivalent thereof in real estate appraisal and a three-semester unit course or the quarter equivalent thereof in real estate financing. The commissioner shall waive the requirements of this section if the applicant presents evidence of admission to the California State Bar or completion of a course of study equivalent to that required herein.

SEC. 4. Section 10153.8 of the Business and Professions Code is amended to read:

10153.8. When an applicant for real estate license fails the qualifying examination, he may apply for reexamination by filing the appropriate application and fee.

The application and fee for reexamination shall be filed and the reexamination taken within the two-year period following the date the application for examination was filed.

SEC. 5. This act shall become operative on January 2, 1970, and shall be applicable to all applications for real estate broker license pending on that date.

A better understanding of real estate law, real estate practice, real estate appraisal, and real estate financing becomes increasingly necessary for real estate brokers to fulfill their responsibility to the public. Frequently home buyer's life savings are entrusted to the competency of real estate brokers.

Most real estate broker applicants currently have completed at least one of the prescribed courses; which are now available at more than 70 public institutions of higher learning for day, evening, or correspondence students.

A timetable for implementation is provided in Sections 1, 2, and 3 of this act to allow adequate lead time for prospective applicants to meet these requirements.

CHAPTER 306

An act to amend Section 61114 of the Government Code, relating to community services districts.

[Approved by Governor June 12, 1968. Filed with Secretary of State June 12, 1968.]

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

SECTION 1. Section 61114 of the Government Code is amended to read:

61114. Upon the final hearing the board of supervisors shall fix the boundaries of the proposed district. In so doing it shall exclude from the district any land which it finds will not be benefited by the proposed project and it may include in the district any land which it finds will be benefited if it also finds it will be to the interest of the district to include the same. If the board determines and finds from evidence taken at the hearing that the proposed district as its boundaries are described in the petition or as changed by the board is either not in the public interest or not economically feasible, or both, it may dismiss the petition and terminate the proceedings, but if the board determines and finds that the proposed district is in the public interest and is economically feasible it shall call an election to be held in the proposed district for the purpose of determining whether or not the district shall be organized. If the board determines and finds from the evidence taken at the hearing, or hearings, that all of the registered voters within the proposed district have signed the petition, and no written or oral protests have been received or offered at the hearing, or hearings, the board may dispense with an election and, by resolution, declare the district duly organized, give the name of the district, the purposes for which it is formed, describe its boundaries, and designate the members of the board of directors whose terms of office shall be determined by lot and in accordance with Section 23506 of the Elections Code; provided, however, that the board shall not waive such election when the proposed district would encompass territory in more than one county. The county clerk shall file and record copies of the resolution as provided in Section 61128 of this code.

CHAPTER 307

An act to amend Sections 430 and 433 of, and to add Section 431.5 to, the Code of Civil Procedure, relating to demurrers.

[Approved by Governor June 12, 1968. Filed with Secretary of State June 12, 1968.]

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

SECTION 1. Section 430 of the Code of Civil Procedure is amended to read:

430. The defendant may demur to the complaint within the time required in the summons to answer, when it appears upon the face thereof, or from any matter of which the court must or may take judicial notice, either:

1. That the court has no jurisdiction of the person of the defendant, or the subject of the action;

2. That the plaintiff has not legal capacity to sue;

3. That there is another action pending between the same parties for the same cause;

4. That there is a defect or misjoinder of parties plaintiff or defendant;

5. That several causes of action have been improperly united, or not separately stated;

6. That the complaint does not state facts sufficient to constitute a cause of action;

7. That the complaint is uncertain; "uncertain," as used herein, includes ambiguous and unintelligible;

8. That, in actions founded upon a contract, it cannot be ascertained from the complaint, whether or not the contract is written or oral.

SEC. 2. Section 431.5 is added to the Code of Civil Procedure, to read:

431.5. When the ground of demurrer is based on a matter of which the court may take judicial notice pursuant to Sections 452 or 453 of the Evidence Code, such matter must be specified in the demurrer, or in the supporting points and authorities for the purpose of invoking such notice, except as the court may otherwise permit.

SEC. 3. Section 433 of the Code of Civil Procedure is amended to read:

433. When any of the matters numerated in Section 430 do not appear upon the face of the complaint, the objection may be taken by answer.

CHAPTER 308

An act to amend Section 69895 of the Government Code, relating to superior courts.

[Approved by Governor June 12, 1968. Filed with Secretary of State June 12, 1968.]

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

SECTION 1. Section 69895 of the Government Code is amended to read:

69895. In any county or city and county with a population of less than 850,000 but more than 730,000, as ascertained pursuant to Section 28020, the superior court shall appoint an executive officer who shall act as secretary to the judges of the superior court and perform the duties of jury commissioner pursuant to Section 69893, the salary of the executive officer shall be two thousand five dollars ($2,005) a month.

In such a county or city and county, on the authorization of the judges, the executive officer shall have one senior assistant secretary and one senior assistant jury commissioner who shall each be paid a minimum salary of one thousand two hundred sixty-five dollars ($1,265) monthly during the first year of service, the salary of one thousand three hundred fifteen dollars ($1,315) monthly during the second year of service and a maximum of one thousand three hundred sixty-five dollars ($1,365) monthly thereafter, and three assistant secretaries who shall be paid a minimum salary of nine hundred seventy dollars ($970) monthly for the first year of service, a salary of one thousand dollars ($1,000) monthly during the second year of service and a maximum salary of one thousand fifty dollars ($1,050) monthly thereafter.

The increment shall be paid commencing on the first day of the month following the first and second anniversary of the incumbent's appointment. All service included prior to the effective date of the amendment to this section enacted at the 1968 Regular Session of the Legislature shall constitute service for purpose of determining entitlement to increments.

The senior assistant secretary and the assistant secretaries shall assist also in the performance of the duties of jury commissioner. The salaries of such secretaries and such assistants shall be paid by the county or city and county in which they serve.

The court may delegate to the executive officer any administrative powers and duties as are now or hereafter by law may be vested in or required to be exercised by such court.

CHAPTER 309

An act to amend Sections 74002, 74003, and 74004 of the Government Code, relating to courts.

[Approved by Governor June 12, 1968. Filed with Secretary of State June 12, 1968.]

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

SECTION 1. Section 74002 of the Government Code is amended to read:

74002. There shall be one clerk and administrative officer for each court who shall receive a biweekly salary as provided by the following range numbers of Section 74005:

For the North Orange County, Central Orange County, and West Orange County Municipal Courts	57
For the Orange County Harbor Municipal Court	55
For the South Orange County Municipal Court	53

SEC. 2. Section 74003 of the Government Code is amended to read:

74003. There shall be one marshal for each court who shall receive a biweekly salary as provided by the following:

For the North Orange County Municipal Court	$602.40
For the Central Orange County Municipal Court	$586.40
For the West Orange County Municipal Court	$586.40
For the Orange County Harbor Municipal Court	$540.00
For the South Orange County Municipal Court	$511.20

SEC. 3. Section 74004 of the Government Code is amended to read:

74004. (a) The number of positions within each job classification which may be filled by appointment by the clerk and administrative officer and the marshal, respectively, of each such court, and the number of the salary range set forth in Section 74005 which constitutes the compensation for each job classification, are shown in the table below, in which the various municipal courts are designated by column headings from left to right in the same order as that in which their judicial districts are named in Section 74000:

Title of job classification	Applicable salary range number	Number of positions authorized in each court				
Appointed by the clerk and administrative officer:		NOC	COC	WOC	OCH	SOC
Chief deputy clerk II, municipal court	49	1	1	1	0	0
Chief deputy clerk I, municipal court	47	0	0	0	1	1
Division head II, municipal court	43	3	3	3	0	0

Title of job classification	Applicable salary range number	Number of positions authorized in each court				
		NOC	COC	WOC	OCH	SOC
Division head I, municipal court	41	1	1	1	3	0
Municipal court clerk	39	7	6	6	3	2
Deputy clerk V, municipal court	37	2	2	1	1	3
Deputy clerk IV, municipal court	31	1	1	1	1	0
Deputy clerk III, municipal court	29	6	6	2	2	0
Deputy clerk II, municipal court	25	3	4	2	2	2
Deputy clerk I, municipal court	23	32	30	27	12	5
Legal stenographer I	29	1	1	1	2	0
Secretary II	33	1	1	1	0	0
Systems and procedures analyst II	51	0	1	0	0	0
Appointed by the marshal:						
Lieutenant, marshal's office	52	1	1	1	0	0
Sergeant, marshal's office	46	4	2	2	2	1
Deputy marshal II	40	12	11	9	7	3
Deputy marshal I	38	9	7	9	4	2
Deputy marshal matron	32	0	0	1	0	0
Chief clerk II, marshal's office	37	1	1	1	0	0
Chief clerk I, marshal's office	35	0	0	0	1	1
Clerk III, marshal's office	29	2	1	1	1	0
Clerk II, marshal's office	25	4	4	3	2	1
Clerk I, marshal's office	23	5	4	3	2	0

(b) The duties to be performed by persons employed in the respective job classifications listed above shall include the duties set forth in the class specifications for the respective classes established in accordance with the resolution of the County of Orange relating to the administration of the classification plan for county employees generally, plus such additional duties as may be assigned by the appointing authorities.

(c) All appointments to positions by the clerk and administrative officer and marshal, respectively, shall meet the minimum qualifications and tests of fitness for the job classifications, which shall be established in accordance with the resolution of the County of Orange relating to the administration of the classification plan for county employees generally.

(d) If an increase in the business of the court or any other emergency requires a greater number of attachés or employees for the prompt and faithful discharge of the business of the court than the number expressly provided in this article or requires the performance of duties of positions in a class not expressly provided in this article, with the approval of a

majority of the judges of the court and the board of supervisors, the clerk or the marshal may appoint as many additional attachés or employees as are needed. The additional attachés or employees shall be selected and appointed in the same manner as those for whom express provision is made, and they shall receive salary and compensation as prescribed in this article or as prescribed in the County of Orange salary plan for classes not expressly provided for in this article. Additional attachés and employees may continue in such positions not longer than 90 days after the adjournment of the next regular session of the Legislature. The provisions of this section are directory only and are not mandatory and are not intended to affect the application of Section 72150 of this code.

CHAPTER 310

An act to amend Sections 74502, 74503, and 74504 of the Government Code, relating to municipal courts.

[Approved by Governor June 12, 1968. Filed with Secretary of State June 12, 1968.]

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

SECTION 1. Section 74502 of the Government Code is amended to read:

74502. There shall be one clerk who shall also serve as secretary to the judges and who shall be paid a salary of one thousand eight hundred seventy-six dollars ($1,876) a month. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one clerk who shall also serve as secretary to the judges, and who shall hold office at their pleasure and who shall receive the salary hereinabove provided.

SEC. 2. Section 74503 of the Government Code is amended to read:

74503. (a) There shall be one jury commissioner who shall exercise the powers of jury commissioners of superior courts insofar as they are applicable to the municipal courts and who shall perform such other duties as assigned by the judges of the court and who shall be paid a salary of one thousand four hundred twenty-eight dollars ($1,428) monthly. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one jury commissioner, and who shall hold office at their pleasure, and who shall perform such other duties as assigned by the judges of the court, and who shall receive the salary hereinabove provided.

(b) Notwithstanding the provisions of Section 74507, the clerk shall appoint one deputy clerk who shall be head accountant, accounting division, and who shall possess the qualifications and perform the duties of class number 1656, as set forth in class specifications on April 1, 1968, and who shall be paid a salary of one thousand one hundred forty-three dollars ($1,143) monthly during the first year of service, a salary of one thousand two hundred dollars ($1,200) monthly during the second year of service, commencing on the first day of the month following the first anniversary of his appointment, a salary of one thousand two hundred sixty dollars ($1,260) monthly during the third year of service, commencing on the first day of the month following the second anniversary of his appointment, a salary of one thousand three hundred twenty-four dollars ($1,324) monthly during the fourth year of service, commencing on the first day of the month following the third anniversary of his appointment, and a maximum of one thousand three hundred ninety dollars ($1,390) monthly, commencing on the first day of the month following the fourth anniversary of his appointment.

(c) The clerk shall appoint three deputy clerks who shall be the chief division clerks in the civil, criminal, and traffic departments of the court, and who shall be paid a minimum salary of one thousand two hundred six dollars ($1,206) monthly during the first year of service, a salary of one thousand two hundred sixty-four dollars ($1,264) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand three hundred twenty-three dollars ($1,323) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

SEC. 3. Section 74504 of the Government Code is amended to read:

74504. The clerk shall also appoint:

(a) Five deputy clerks who shall be assistant chief division clerks and who shall be paid a minimum salary of one thousand forty-five dollars ($1,045) monthly during the first year of service, a salary of one thousand ninety-six dollars ($1,096) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand one hundred fifty-four dollars ($1,154) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(b) Twenty-seven deputy clerks who shall be paid a minimum salary of eight hundred seventy-eight dollars ($878) monthly during the first year of service, a salary of nine hundred thirty-six dollars ($936) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand thirteen dollars ($1,013) monthly after

the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(c) Fifteen deputy clerks who shall be paid a minimum salary of seven hundred fifty-six dollars ($756) monthly during the first year of service, a salary of seven hundred eighty-four dollars ($784) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment and a maximum salary of eight hundred fourteen dollars ($814) monthly, after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(d) Eighteen deputy clerks who shall be paid a minimum salary of seven hundred two dollars ($702) monthly during the first year of service, a salary of seven hundred twenty-one dollars ($721) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of seven hundred forty-three dollars ($743) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment. While assigned as administrative secretary to the clerk of the municipal court any deputy in Section 74504(d) shall be paid in addition to the salary provided by this article, the additional sum of one hundred dollars ($100) monthly.

(e) Eight deputy clerks who shall be paid a minimum salary of six hundred sixty-three dollars ($663) monthly during the first year of service, a salary of six hundred eighty-three dollars ($683) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of seven hundred dollars ($700) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(f) Twenty-seven deputy clerks who shall be paid a minimum salary of six hundred eight dollars ($608) monthly during the first year of service, a salary of six hundred twenty-nine dollars ($629) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of six hundred fifty-two dollars ($652) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(g) Thirty-five deputy clerks who shall be paid a minimum salary of four hundred seventy-five dollars ($475) monthly during the first year of service, a salary of five hundred twenty dollars ($520) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of five hundred seventy-eight dollars ($578) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(h) Two information clerks who shall be paid a minimum salary of four hundred eighty-five dollars ($485) monthly during the first year of service, a salary of five hundred fifty-eight dollars ($558) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of six hundred thirty-one dollars ($631) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

CHAPTER 311

An act to amend Sections 74642, 74644, and 74644.1 of the Government Code, relating to municipal court attachés.

[Approved by Governor June 12, 1968. Filed with Secretary of State June 12, 1968.]

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

SECTION 1. Section 74642 of the Government Code is amended to read:

74642. There shall be one clerk of the municipal court, one senior municipal court clerk, seven municipal court clerks, one senior account clerk, two senior clerks, one intermediate stenographer-clerk, five intermediate clerks, four typist-clerks and one clerk, each of whom shall receive a salary in accordance with Section 74644 and Section 74644.1.

SEC. 1.5. Section 74644 of the Government Code is amended to read:

74644. (a) The monthly salaries for the following classes of positions shall be, and shall be increased, in accordance with the schedule set forth below:

	Range	A	B	C	D	E
Clerk of the municipal court	66	$799	$818	$859	$902	$947
Senior municipal court clerk	50	527	553	581	610	641
Municipal court clerk	48	502	527	553	581	610
Senior account clerk	44	455	478	502	527	553
Senior clerk	42	433	455	478	502	527
Intermediate stenographer-clerk	36	373	392	412	433	455
Intermediate typist-clerk	36	373	392	412	433	455
Intermediate clerk	36	373	392	412	433	455
Typist-clerk	32	338	355	373	392	412
Clerk	30	322	338	355	373	392
Marshal	69	839	881	925	971	1,019
Chief deputy marshal	57	626	657	690	725	761
Senior deputy marshal	53	567	596	626	657	690
Deputy marshal	51	540	567	596	626	657
Senior typist-clerk	42	433	455	478	502	527

All figures in columns A, B, C, D, and E represent dollars per calendar month.

(b) The administration of the salary plan provided by this article including the hiring rate, increases within range, salary on promotion, transfer or demotion, salary on position reclassification, and all relevant matters shall be in accordance with the personnel rules and ordinances of the County of Santa Barbara, and any employee who on the effective date of the amendments to this section enacted at the 1967 Regular Session of the Legislature is receiving a rate of compensation in excess of column "E" of the range prescribed for his class shall continue to receive such compensation until his position is first vacated, or until such time as the compensation is otherwise changed as prescribed by law.

(c) On and after the effective date of the amendments to this section enacted at the 1967 Regular Session of the Legislature, the following regulations will govern the administration of the classification and compensation schedules contained herein:

(1) Except as otherwise provided in this article, all employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, and shall be subject to the same rules and regulations concerning length of workweek, anniversary dates and changes thereof, and may be appointed, promoted, demoted, terminated, or transferred or their status otherwise adjusted, in the same manner and with the same effect as is or may be provided by the current salary and personnel ordinances and policies approved by the Board of Supervisors of Santa Barbara County for other employees of the county. Provided, however, that the provisions regarding appointments, promotion, demotion and termination shall not apply to the office of marshal and said marshal's office shall remain an elective office.

(2) For the purposes of this article, an employee, unless otherwise designated, refers to every person filling any position established by Sections 74642 and 74643.

SEC. 2. Section 74644.1 of the Government Code is amended to read:

74644.1. Notwithstanding any other provisions of this article, if at any date on or after April 2, 1967, any different compensation is established for any of the hereafter mentioned positions under the County of Santa Barbara Salary Ordinance, the following provisions shall apply to salaries mentioned in this article:

(a) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County Salary Ordinance as superior court clerk the percentage of such increase or decrease shall be ascertained and the salary range for the classification of clerk of the municipal court, senior municipal court clerk, and municipal court clerk under this article shall be changed by increasing or decreasing each salary column within the appro-

priate range by such percentage, rounded off to the nearest dollar.

(b) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County Salary Ordinance as senior account clerk, senior clerk, intermediate stenographer-clerk, intermediate typist-clerk, intermediate clerk, typist-clerk and clerk, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of senior account clerk, senior clerk, intermediate stenographer-clerk, intermediate typist-clerk, intermediate clerk, typist-clerk and clerk, under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage, rounded off to the nearest dollar.

(c) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County Salary Ordinance as deputy sheriff, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of marshal, chief deputy marshal, senior deputy marshal, and deputy marshal under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage, rounded off to the nearest dollar.

Whenever a salary increase is authorized by this article, such increase shall be payable at the same time the corresponding increase under the Santa Barbara County Salary Ordinance is payable.

This section shall remain in effect until the 61st day after the final adjournment of the 1969 Regular Session of the Legislature.

CHAPTER 312

An act to amend Sections 399, 3020, 9020, 9036, 9101, 9107, 9129, 9351, 9516, 9740, 9763, 9766, 9906, 9909, 10503, 10603, 12062, 12524, 12570, and 12704, to amend the heading of Chapter 3 (commencing with Section 9300), of Part 1, Division 2, Title 2, to amend and renumber Section 9038, and to repeal Sections 9037 and 9102 and Article 1 (commencing with Section 9300), and the heading of Article 2 (commencing with Section 9320), of Chapter 3, Part 1, Division 2, Title 2, of the Government Code, relating to corrections to statutes necessitated by amendments to the State Constitution adopted in 1966.

[Approved by Governor June 12, 1968. Filed with Secretary of State June 12, 1968.]

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

SECTION 1. Section 399 of the Government Code is amended to read:

399. (a) There shall be a seal of this state, which shall be called "the Great Seal of the State of California."

(b) The Great Seal of the state shall be used by the Governor officially.

SEC. 2. Section 3020 of the Government Code is amended to read:

3020. State officers elected on a statewide basis, members of the State Board of Equalization, and judges of state courts are subject to impeachment for misconduct in office.

SEC. 3. Section 9020 of the Government Code is amended to read:

9020. The Legislature shall assemble annually at the City of Sacramento at 12 o'clock m., on the first Monday after the first day of January.

SEC. 4. Section 9036 of the Government Code is amended to read:

9036. If a disaster occurs, the Legislature shall convene itself in special session immediately after such disaster first occurs, which session shall convene at the permanent seat of government in the City of Sacramento or at the temporary seat of government as established by law if the session cannot be held in the City of Sacramento. At such special session the Legislature may fill any vacancies in its membership, pursuant to law, and may consider and act upon any subject of legislation that is designed to relieve or alleviate the consequences of such disaster or to restore or continue state and local government in connection therewith, together with such other subjects within the scope of legislative regulation or control as are specified by concurrent resolution adopted by both houses of the Legislature.

SEC. 5. Section 9037 of the Government Code is repealed.

SEC. 6. Section 9038 of the Government Code is amended and renumbered to read:

9037. If the Legislature is convened in special session pursuant to this article on the date specified by the State Constitution for the convening of a regular session, the Legislature may convene in such regular session without adjourning the special session or it may provide by concurrent resolution that the subjects to be considered at the regular session may be acted upon at the special session, and in such case the regular session shall not be convened.

SEC. 7. Section 9101 of the Government Code is amended to read:

9101. The legislative offices provided for in this article shall be under the management and control of the Senate Committee on Rules.

SEC. 8. Section 9102 of the Government Code is repealed.

SEC. 9. Section 9107 of the Government Code is amended to read:

9107. There is hereby created the Joint Committee on Legislative Organization which shall have the membership specified in the Joint Rules of the Senate and the Assembly.

The committee herein created has a continuing existence and may meet and act during sessions of the Legislature or any recess thereof and in the interim periods between sessions. The provisions of the Joint Rules of the Senate and Assembly relating to investigating committees shall apply to the committee herein created and it shall have all the powers and authority provided in said rules, in Section 11 of Article IV of the Constitution of California, and in this article. Any action of the committee shall require an affirmative vote of not less than a majority of the Senate members and a majority of the Assembly members of the committee.

SEC. 10. Section 9129 of the Government Code is amended to read:

9129. Appropriations deposited in and credited to the Senate Contingent Fund or the Assembly Contingent Fund shall be continuously available without regard to fiscal years, except that appropriations made at extraordinary or special sessions for the expenses of said sessions shall be maintained as special accounts within the particular funds and shall be available for expenditure for such purpose for a period of one year after the date upon which the appropriation first becomes available for expenditure, and the unexpended balance of any such appropriation shall revert to the fund from which the appropriation was made upon the expiration of one year following the last day of the period of its availability.

SEC. 11. The heading of Chapter 3 (commencing with Section 9300) of Part 1 of Division 2 of Title 2 of the Government Code is amended to read:

CHAPTER 3. COMPENSATION OF OFFICERS AND EMPLOYEES OF THE LEGISLATURE

SEC. 12. Article 1 (commencing with Section 9300) of Chapter 3 of Part 1 of Division 2 of Title 2 of the Government Code is repealed.

SEC. 13. The heading of Article 2 (commencing with Section 9320) of Chapter 3 of Part 1 of Division 2 of Title 2 of the Government Code is repealed.

SEC. 14. Section 9351 of the Government Code is amended to read:

9351. "Service" means the period of time, computed in years and fractions thereof, a member has held office as a Member of the Senate or of the Assembly or as an elective officer of the state in any office provided for by the Constitution, except that of judge.

In computing years of service under this act, each full term served as a Member of the Senate shall be deemed to constitute four (4) calendar years, each full term served as a Member of the Assembly shall be deemed to constitute two (2) calendar years, and each period of service from the commencement of one general session of the Legislature to the commencement of the next, prior to the term commencing in 1967, shall be

deemed to constitute two (2) calendar years. Commencing in 1967, each period of service from the commencement of one regular session of the Legislature to the commencement of the next shall be deemed to constitute one (1) calendar year. Each full term served as an elective officer of the state whose office is provided for by the Constitution shall be deemed to constitute four (4) calendar years.

SEC. 15. Section 9516 of the Government Code is amended to read:

9516. Every bill which has passed both houses of the Legislature, and has not been returned by the Governor within 12 days, thereby becoming a law, is authenticated by the Governor causing the fact to be certified thereon by the Secretary of State in the following form: "This bill having remained with the Governor 12 days, and the Legislature being in session, it has become a law this _____ day of _____, _____." The certificate shall be signed by the Secretary of State and deposited with the laws in his office.

Upon the receipt of such a bill and certificate, the Secretary of State shall assign a chapter number to the bill in the manner provided in Section 9510.

SEC. 16. Section 9740 of the Government Code is amended to read:

9740. The Secretary of the Senate and the Chief Clerk of the Assembly shall during the month of December in each even-numbered year, commence to compile a legislative manual or handbook. The compilation shall be completed as soon as practical after the convening of the next regular session, and the Secretary of the Senate and the Chief Clerk of the Assembly shall immediately thereafter publish and distribute the legislative manual or handbook, in such manner as they may determine.

SEC. 17. Section 9763 of the Government Code is amended to read:

9763. The Department of General Services shall direct the preparation of the statutes of each session of the Legislature after each regular session. The statutes for each special session shall be cumulated and prepared with the statutes for the next succeeding regular session, except that upon the written request of the Legislative Budget Committee the department shall direct the preparation of the statutes of a particular special session after such special session.

SEC. 18. Section 9766 of the Government Code is amended to read:

9766. At the beginning of each volume of the statutes there shall be printed:

(a) The Constitution of the state.

(b) The name and place of residence of:

(1) The Governor.

(2) The Lieutenant Governor.

(3) The other executive officers of the state.

(4) The Senators and Members of the Assembly.

(5) The presiding officers of the Senate and Assembly.

(6) The commissioners of deeds of the state residing out of the state and in office at the time of publication.

(c) The certificate of the Secretary of State showing what acts, or sections or parts of acts of the Legislature, are delayed from going into effect by a referendum petition properly certified and filed in his office.

(d) The certificate of the Secretary of State showing the result of all elections upon any initiative or referendum measures submitted to the electors of the state within the previous year.

(e) The text of all such initiative measures adopted by the electors.

SEC. 19. Section 9906 of the Government Code is amended to read:

9906. (a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California shall, before doing anything in furtherance of such object, register with the Clerk of the Assembly and the Secretary of the Senate and shall give to those officers in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. He shall also, at the time of registering, submit to the clerk and the secretary a written authorization from each person by whom he is employed to act in furtherance of such object. Such person shall again register at each succeeding regular session of the Legislature and again submit at that time the information and authorization required by this subdivision (a), unless he at that time is no longer engaged for pay or other consideration for the purposes hereinabove specified.

(b) Each such person so registering shall, between the 1st and 15th day of each calendar month, so long as his activity continues, file with the clerk and secretary a detailed report under oath of all money received and each expenditure of twenty-five dollars ($25) or more during the preceding calendar month in carrying on his work; to whom paid; for what purposes; the total of all expenditures during the preceding calendar month; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose. The provisions of this section shall not apply to any person who merely appears before a committee of the Legislature of the State of California in support of or opposition to legislation; nor to any state official acting in his official capacity; nor to any elected public

official acting in his official capacity; nor in the case of any newspaper or other regularly published periodical, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, if such newspaper, periodical, radio or television station or individual, engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Legislature of the State of California in support of or in opposition to such legislation; nor to a person when representing a bona fide church solely for the purpose of protecting the public right to practice the doctrines of such church.

(c) All information required to be filed under the provisions of this section with the Clerk of the Assembly and the Secretary of the Senate and not previously published shall be compiled by said clerk and secretary, acting jointly, as soon as practicable after the close of the calendar month with respect to which such information is filed and shall be printed in the Journal of the Assembly within the week immediately preceding the constitutional 30-day recess, or within the week immediately preceding final adjournment at each regular session.

SEC. 20. Section 9909 of the Government Code is amended to read:

9909. It shall be the duty and responsibility of the respective houses of the Legislature, and they are each vested with the power, through appropriately established committees thereof as they shall determine:

1. To grant certificates of registration as legislative advocate to all persons registering under, and supplying the information in connection therewith as provided in, Section 9906 who, after such investigation and submission of such proof as the committees deem proper, have been found to be of good moral character particularly as evidenced by never having been guilty of conduct proscribed by Section 9910 and specifically by subparagraphs 2, 3, 4, 6, and 8 of Section 9910 and who have filed the written authorization required.

2. To revoke or suspend the certificate of registration of any legislative advocate who has been convicted of violating any of the provisions of this chapter or who, after a hearing, has been found by either house of the Legislature or an authorized committee thereof to have violated any of the provisions of this chapter or to have willfully failed to perform the obligations of a legislative advocate as set forth in this chapter.

3. On their own motion, on the verified complaint of any Member of the Legislature, or upon the verified complaint of any other person, to investigate or cause to be investigated the activities of any legislative advocate or of any person who they

have reason to believe or who it is alleged is or has been acting as a legislative advocate.

4. In making any investigation or in holding any hearing, to take and hear evidence, administer oaths, and compel by subpoena the attendance of witnesses and the production of books, papers, and documents.

5. To require any person who attends upon any legislative session for any considerable period of time and communicates with Members of the Legislature but who fails to register, or any person, who if registered, regularly fails to appear at committee meetings at which legislation affecting his employer is considered, to appear before either house of the Legislature or an authorized committee thereof and explain his purpose in attending upon the legislative session and advise them of the interests for whom he acts and the methods he employs in promoting, advocating, opposing or influencing the passage or defeat of legislation.

6. To recommend from time to time such amendments to this chapter, or such other proposals as in their opinion would be conducive to the proper conduct of legislative business without infringing upon the right of all persons to present to the Legislature their views through agents or agencies of their own choosing.

7. To report to the appropriate law enforcement officers any violation of this chapter or of Section 15 of Article IV of the California Constitution or of Sections 85 and 86 of the Penal Code or of Sections 9054 or 9056 of this code or of related provisions of law.

SEC. 21. Section 10503 of the Government Code is amended to read:

10503. The committee is authorized to make rules governing its own proceedings and to create subcommittees from its membership and assign to such subcommittees any study, inquiry, investigation, or hearing which the committee itself has authority to undertake or hold. The provisions of Rule 36 of the Joint Rules of the Senate and Assembly relating to investigating committees shall apply to the committee and it shall have such powers, duties and responsibilities as the Joint Rules of the Senate and Assembly shall from time to time prescribe, and all the powers conferred upon committees by Section 11, Article IV, of the Constitution.

SEC. 22. Section 10603 of the Government Code is amended to read:

10603. The committee is authorized to make rules governing its own proceedings and to create subcommittees from its membership and assign to such subcommittees any study, inquiry, investigation, or hearing which the committee itself has authority to undertake or hold. The provisions of Rule 36 of the Joint Rules of the Senate and Assembly relating to investigating committees shall apply to the committee, and it shall have such powers, duties and responsibilities as the Joint Rules of the Senate and Assembly shall from time to time

prescribe, and all the powers conferred upon committees by Section 11, Article IV, of the Constitution.

SEC. 23. Section 12062 of the Government Code is amended to read:

12062. In the event that the office of Governor is not filled within 24 hours after disaster as provided in Section 21 of Article IV of the Constitution, one of the Disaster Acting Governors, in the order specified, shall fill said office and shall declare that he is undertaking the duties thereof and take and subscribe the oath therefor and continue to serve therein until the incumbent Governor is able to perform his duties or until his successor is chosen and qualifies or until a person prior in the order of succession declares that he is undertaking the office and takes the oath therefor. Any Disaster Acting Governor may declare that he is undertaking the office of Governor and take the prescribed oath if no person prior in the order of succession fills said office within 24 hours after disaster.

SEC. 24. Section 12524 of the Government Code is amended to read:

12524. The Attorney General may, from time to time, and as often as occasion may require, call into conference the district attorneys and sheriffs of the several counties and the chiefs of police of the several municipalities of this state, or such of them as he may deem advisable, for the purpose of discussing the duties of their respective offices, with the view of uniform and adequate enforcement of the laws of this state as contemplated by Section 13 of Article V of the Constitution of this state.

SEC. 25. Section 12570 of the Government Code is amended to read:

12570. For the purpose of enabling him to perform the duties imposed upon him by Section 13 of Article V of the Constitution the Attorney General may appoint and fix the compensation of such special agents and investigators not exceeding 10 in number as he deems necessary. The Attorney General shall not be required to divulge their identities. They may be employed either on a monthly basis or by the day. Each special agent or investigator shall take an oath of office, the record of which shall be kept in the private files of the Attorney General.

SEC. 26. Section 12704 of the Government Code is amended to read:

12704. Any such person shall, while holding the office, be known as Acting Lieutenant Governor, Acting Attorney General, Acting Secretary of State, Acting Treasurer, and Acting Controller, as the case may be, and shall perform the duties of the office and receive the salary and perquisites thereof while so serving, but shall not be deemed to hold that office within the meaning of Section 21 of Article IV of the Constitution relating to succession to the governorship. Each such acting constitutional officer shall continue to serve as such until

the disabled officer resumes his office, or a person prior in the order of succession declares that he is undertaking the office and takes the oath therefor, or until the office is filled at the next election that is held for that office and a person is elected and qualifies for the particular constitutional office.

CHAPTER 313

An act to amend Section 12210 of the Business and Professions Code, relating to the duties of county sealers of weights and measures.

[Approved by Governor June 12, 1968. Filed with Secretary of State June 12, 1968.]

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

SECTION 1. Section 12210 of the Business and Professions Code is amended to read:

12210. (a) Each sealer shall, within his county inspect, try and test all weights, scales, beams, measures of any kind, instruments or mechanical devices for weighing or measurements, and tools, appliances and accessories connected with any or all such instruments or measures, sold, or used by any proprietor, agent, lessee or employee in proving the size, quantity, extent, area, weight or measurement of quantities, things, produce, articles for distribution or consumption, purchased or offered or submitted by such person or persons for sale, hire or reward and ascertain if the same are correct.

(b) Each sealer shall, when so directed by the board of supervisors of his county, and only upon the written request of any person, firm or corporation, calibrate, test, weigh, and measure, and certify to the accuracy of, noncommercial weights and measures and weighing and measuring devices, and instruments, tools, and accessories connected therewith. The board of supervisors may authorize the sealer to establish from time to time a schedule of fees to cover the cost of such service and to charge and collect the fees.

CHAPTER 314

An act to amend Section 70045.6 of the Government Code, relating to compensation of court reporters.

[Approved by Governor June 17, 1968. Filed with Secretary of State June 17, 1968.]

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

SECTION 1. Section 70045.6 of the Government Code is amended to read:

70045.6. In a county with a population of over 290,000 and under 300,000 as determined by the 1960 federal census, each regular reporter shall be paid an annual salary of twelve thousand dollars ($12,000), and each pro tempore official reporter shall be paid thirty-five dollars ($35) a day for the days he actually is on duty under order of the court. In such a county the fee required by Section 70053 shall be seven and one-half dollars ($7.50).

CHAPTER 315

An act to amend Sections 1182, 1237, and 1466 of the Penal Code, relating to criminal cases.

[Approved by Governor June 17, 1968. Filed with Secretary of State June 17, 1968.]

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

SECTION 1. Section 1182 of the Penal Code is amended to read:

1182. The application for a new trial must be made and determined before judgment, the making of an order granting probation, the commitment of a defendant for observation as a mentally disordered sex offender, or the commitment of a defendant for narcotics addition or insanity, whichever first occurs, and the order granting or denying such application must be immediately entered by the clerk in the minutes.

SEC. 2. Section 1237 of the Penal Code is amended to read:

1237. An appeal may be taken by the defendant:

1. From a final judgment of conviction except as provided in Section 1237.5. A sentence, an order granting probation, or the commitment of a defendant for insanity, or the indeterminate commitment of a defendant as a mentally disordered sex offender shall be deemed to be a final judgment within the meaning of this section. The commitment of a defendant for narcotics addiction shall be deemed to be a final judgment within the meaning of this section 90 days after such commitment. Upon appeal from a final judgment the court may review any order denying a motion for a new trial.

2. From any order made after judgment, affecting the substantial rights of the party.

SEC. 3. Section 1466 of the Penal Code is amended to read:

1466. An appeal may be taken from a judgment or order of an inferior court, in a criminal case, to the superior court of the county in which such inferior court is located, in the following cases.

1. By the people:

(a) From an order or judgment dismissing or otherwise terminating the action before the defendant has been placed in jeopardy or where the defendant has waived jeopardy;

(b) From a judgment for the defendant upon the sustaining of a demurrer;

(c) From an order granting a new trial;

(d) From an order arresting judgment;

(e) From any order made after judgment affecting the substantial rights of the people.

2. By the defendant:

(a) From a final judgment of conviction. A sentence, an order granting probation, or a conviction in a case in which before final judgment the defendant is committed for insanity or is given an indeterminate commitment as a mentally disordered sex offender shall be deemed to be a final judgment within the meaning of this section. The conviction of a defendant committed for narcotics addiction shall be deemed to be a final judgment within the meaning of this section 90 days after such commitment. Upon appeal from a final judgment or an order granting probation the court may review any order denying a motion for a new trial.

(b) From any order made after judgment affecting his substantial rights.

CHAPTER 316

An act to amend Section 1 of Chapter 1975 of the Statutes of 1963, relating to tide and submerged lands granted in trust to the City of Palos Verdes Estates.

[Approved by Governor June 17, 1968. Filed with Secretary of State June 17, 1968.]

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

SECTION 1. Section 1 of Chapter 1975 of the Statutes of 1963 is amended to read:

Section 1. There is hereby granted to the City of Palos Verdes Estates, 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 said state by virtue of its sovereignty in and to all tidelands and submerged lands, whether filled or unfilled, which are described as follows:

That part of state-owned tide and submerged land which lies directly joining the Mean High Tide Line of the Pacific Ocean along the City of Palos Verdes Estates, California, and is limited to the following extent:

In the south by a line which is a westerly prolongation of the southerly boundary of Tract 4400, as recorded in Book 72, pages 95–96 of Maps in the office of the Recorder of Los Angeles County.

In the north by a line which is a westerly prolongation of the northerly boundary of Tract 4400 as recorded in Book 72, pages 95–96 of Maps in the office of the Recorder of Los Angeles County.

In the east by the Mean High Tide Line of the Pacific Ocean between the above described southerly and northerly limits.

In the west by the southwesterly boundary of the County of Los Angeles between the above described southerly and northerly limits.

To be forever held by said city and by its successors in trust for the use and purposes, and upon the express conditions following, to wit:

(a) That said lands shall be used by said city and its successors for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation.

(2) For the establishment, improvement and conduct of an airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, building, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(3) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, 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 1.

(4) 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.

(5) 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, cafés, 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.

(6) For the establishment, preservation, restoration, improvement, or maintenance of intertidal and subtidal marine biological reserves, restoration and maintenance of kelp forests, abalone and other shellfish and related fishery resources, development of nature study trails and areas, exhibits, research projects, preservation of areas of unique ocean phenomena for activities such as surfing and other water sports, and the natural beauty and biological resources and activities related thereto, subject to the prior approval of the Fish and Game Commission as to those matters which are subject to regulation by the commission, pursuant to the Fish and Game Code.

(b) Said city, or its successors shall not, at any time, grant, convey, give or alienate said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods, not exceeding 66 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation.

Nothing contained in this paragraph (a) shall be deemed to affect the validity or term of any franchise previously granted by said city under the Franchise Act of 1937 (Chapter 2 (commencing at Section 6101), of Division 3 of the Public Utilities Code), and any such franchise shall be effective with respect to said land when title thereto passes to said city hereunder.

(c) Said lands shall be improved without expense to the state; provided, however, that nothing contained in this act shall preclude expenditures for the development of said lands for any public purpose not inconsistent with commerce, navigation and fishery, by the state, or any board, agency or commission thereof, when authorized or approved by the city, nor by the city of any funds received for such purpose from the state or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the city or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The State of California shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon said lands for any vessel or other watercraft or railroad owned or operated by the State of California.

(f) There is hereby reserved to the people of the State of California the right to fish in the waters on said lands with the right of convenient access to said water over said lands for said purpose.

(g) There is hereby excepted and reserved in the State of California all deposits of minerals, including oil and gas, in said lands, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said lands.

(h) Said lands are granted subject to the express reservation and condition that the state may at any time in the future use said lands or any portion thereof 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 said 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 State Lands Commission shall, at the cost of the city, survey and monument the granted lands and record a description and plat thereof in the office of the County Recorder of Los Angeles County.

(j) Within 10 years from the effective date of this act the granted lands shall be substantially improved, restored, preserved, or maintained by the city without expense to the state and if the State Lands Commission determines that the city has failed to improve, restore, preserve, or maintain said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and all said right, title and interest in the granted lands shall revert and rest in the state.

CHAPTER 317

An act to add Section 54931.2 to the Government Code, relating to city annexations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 17, 1968 Filed with Secretary of State June 17, 1968]

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

SECTION 1. Section 54931.2 is added to the Government Code, to read:

54931.2. Notwithstanding any other provision of this chapter, any annexation by a city, the proceedings for which were completed between January 17, 1967, and January 27, 1967, shall be effective for assessment and taxation purposes for the

1968–69 fiscal year if the statement and map or plat required by Sections 54900 and 54901 were filed with the State Board of Equalization on or before March 15, 1968.

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:

Unless this act takes effect immediately, a city which has annexed territory and otherwise qualifies to levy taxes in the territory except for a procedural filing defect will not be able to levy taxes in the annexed territory for the 1968–69 fiscal year to cover the cost of services being furnished the territory.

CHAPTER 318

An act to add Section 8655 to the Revenue and Taxation Code, relating to use fuel tax exemptions, to take effect immediately, tax levy.

[Approved by Governor June 19, 1968 Filed with Secretary of State June 19, 1968.]

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

SECTION 1. Section 8655 is added to the Revenue and Taxation Code, to read:

8655. (a) This section shall be known and may be cited as the Mills-Hayes Act.

(b) No tax shall be imposed upon fuel used by:

(1) Any transit district, transit authority or city owning and operating a local transit system itself or through a wholly owned nonprofit corporation.

(2) Any passenger stage corporation subject to the jurisdiction of the Public Utilities Commission when the motor vehicles of such passenger stage corporation are exclusively operated in urban or suburban areas, as defined in Section 9651.5 of this code.

(3) Any common carrier of passengers operating exclusively on any line or lines within the limits of a single city between fixed termini or over a regular route, 98 percent of whose operations, as measured by total route mileage operated, are exclusively within the limits of a single city, and who by reason thereof is not a passenger stage corporation subject to the jurisdiction of the Public Utilities Commission.

(c) Notwithstanding the exemption provided for by subdivision (b), any system, corporation or carrier using fuel exempt under the provisions of subdivision (b) shall, for the privilege of operating vehicles on state highways and freeways, make a payment equal to one cent ($0.01) for each

gallon of such exempt fuel used. The payments required by this subdivision shall be paid to the State Board of Equalization in the manner prescribed by the board, and such payments shall be treated as a tax for all purposes of this part.

(d) The exemption provided for in subdivision (b) and the payments provided for in subdivision (c) shall not be applicable to fuel used by a charter-party carrier of passengers. The term "charter-party carrier of passengers" has the same meaning as that specified in Section 5360 of the Public Utilities Code and shall further include those transportation services described in subdivisions (a) and (e) of Section 5353 of the Public Utilities Code, if such transportation service is rendered as a charter-party carrier of passengers.

(e) There are in the State of California many local bus transit operators in need of financial assistance from sources other than the local property tax. These operators are performing essential public transit service as a vital counterpart of the streets and highways. It is the purpose of this section to provide relief from the payment of use fuel tax for local transit operators and it is the intent of the Legislature that the funds accruing to such operators shall be used for the improvement of their transit operations and to aid in providing better transit service to and from places of employment.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the exemptions provided for in this act shall only be applicable with respect to the use of fuel on and after July 1, 1968.

CHAPTER 319

An act to amend Sections 427.11 and 427.13 of the Health and Safety Code, relating to alcoholism, making an appropriation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 19, 1968. Filed with Secretary of State June 19, 1968.]

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

SECTION 1. Section 427.11 of the Health and Safety Code is amended to read:

427.11. The Division of Alcoholism of the State Department of Public Health shall formulate a plan for the complete evaluation of alcoholism programs developed under this article and other state and local government programs pertaining to alcoholism. The objective of the plan should be to determine if state and local programs are achieving the goal of this article, which is to lessen the extent and gravity of alcoholism and the misuse of alcoholic beverages in California. The plan shall be put into effect as soon as possible and the division

shall annually submit a report on the plan and its progress in initiating it to the Legislature.

SEC. 2. Section 427.13 of the Health and Safety Code is amended to read:

427.13. This article shall terminate on the 61st day after the final adjournment of the 1969 Regular Session of the Legislature.

SEC. 3. The sum of seven hundred fifty-one thousand two hundred ninety-four dollars ($751,294) is hereby appropriated from the General Fund to the State Department of Public Health for expenditure during the 1968–1969 fiscal year in carrying out the provisions of Article 10 (commencing with Section 427) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code.

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 the present law, the alcoholism program would terminate on June 30, 1968. There continues to be great need for a program for investigation, prevention and control of alcoholism in the state, and it is of great importance that this program continue uninterrupted. It is therefore necessary that this act go into immediate effect.

CHAPTER 320

An act to amend Section 28138 of the Government Code, relating to the compensation of the district attorney in a county of the 38th class.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 28138 of the Government Code is amended to read:

28138. In a county of the 38th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eleven thousand four hundred dollars ($11,400) a year.

(b) The district attorney, fifteen thousand dollars ($15,000) a year. He shall devote his entire time during office hours to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, five thousand four hundred dollars ($5,400) a year and mileage at the rate of twenty cents ($0.20) a mile for the distance usually traveled in going from

his home to the county seat and returning when attending meetings of the board of supervisors.

(d) Grand jurors and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance in court, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the places of service, in going only. Trial jurors in the justice court shall receive five dollars ($5) for each day's attendance and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the justice courts, in going only.

CHAPTER 321

An act to amend Sections 13503 and 13503.1 of the Education Code, relating to certificated employees.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

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

13503. Every person employed by the district in a position requiring certification qualifications in a day school of the district for not less than the minimum schoolday for each day the schools of the district are maintained during the school year is a full-time employee and his compensation shall be fixed accordingly. Governing boards may require persons employed in positions requiring certification qualifications to serve a longer period of time in each schoolday than the minimums defined in Sections 11003 to 11008, inclusive, and 11052, in order to be compensated as full-time employees, provided all such employees in similar grades or levels are similarly required to serve such longer periods of time, and provided that the duties required of such persons during such extended time shall be directly related to and restricted to their normal classroom assignment. With respect to a unified school district, for the purposes of this section all day kindergarten and elementary schools of the unified school district shall be deemed to be maintained by one district, all day high schools of the unified school district shall be deemed to be maintained by a second and separate district, and all day junior colleges of the unified school district shall be deemed to be maintained by a third and separate district.

SEC. 2. Section 13503.1 of the Education Code is amended to read:

13503.1. Any person employed by a district in a position requiring certification qualifications who serves less than the

minimum schoolday as defined in Sections 11003 to 11008, inclusive, or 11052 may specifically contract to serve as a part-time employee. In fixing the compensation of part-time employees, governing boards shall provide an amount which bears the same ratio to the amount provided full-time employees as the time actually served by such part-time employees bears to the time actually served by full-time employees of the same grade or assignment.

CHAPTER 322

An act to maintain the Business and Professions Code by amending Sections 2192, 2246, 6904, 9925, 19626, 19627, 19628, 19630, 19630.5, 19636, and 20711, relating to business and professions.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 2192 of the Business and Professions Code is amended to read:

2192. Each applicant shall show by evidence satisfactory to the board that he has successfully completed a medical curriculum extending over a period of at least four academic years in a school or schools located in the United States or Canada, approved by the board, and total number of hours of all courses shall consist of a minimum of 4,000 hours. The curriculum for all applicants who matriculate before September 1, 1965, shall provide for adequate instruction in the following:

Anatomy
  Embryology
  Histology
  Neuroanatomy
Physiology
Psychobiology
Biochemistry
Pathology, bacteriology and immunology
Pharmacology
Preventive medicine
  Hygiene and sanitation
Medicine
  Pediatrics
  Psychiatry
  Neurology
  Dermatology
  Physical medicine
  Therapeutics
  Tropical medicine
Surgery, including orthopedic surgery
  Urology
  Ophthalmology
  Radiology
  Anesthesia
  Otolaryngology
  Obstetrics and gynecology

The curriculum for all applicants who matriculate on or after September 1, 1965, shall provide for adequate instruction in the following:

Anatomy
  Embryology
  Histology
  Neuroanatomy
Physiology
Psychobiology
Biochemistry
Pathology, bacteriology and immunology
Pharmacology
Preventive medicine
  Hygiene and sanitation
Radiology, including roentgenologic technique and radiation safety
Medicine
  Pediatrics
  Psychiatry
  Neurology
  Dermatology
  Physical medicine
  Therapeutics
  Tropical medicine
Surgery, including orthopedic surgery
  Urology
  Ophthalmology
  Anesthesia
  Otolaryngology
  Obstetrics and gynecology

Before a physician's and surgeon's license may be issued each applicant must show by evidence satisfactory to the board that he has completed a year's service satisfactory to the board in a hospital approved by the board for the training of interns. At the discretion of the board the written examination provided for in Section 2288 may be taken following completion of his medical course and prior to the granting of a degree by the school; provided, that a certificate shall not be issued to any applicant until satisfactory evidence is filed with the board that a degree has been issued to him by the school.

SEC. 2. Section 2246 of the Business and Professions Code is amended to read:

2246. Each applicant shall show by transcripts or other evidence satisfactory to the board that he has attended four resident courses of professional instruction in a school approved by the board covering at least 4,000 hours.

Each hour does not include the time consumed by examinations or tests and shall not be less than 50 consecutive minutes. Not more than eight hours' work is to be credited to any student in any one day of 24 hours. Each course shall not be of less than 32 weeks' duration. At least 11 months shall intervene between the beginning of any course and the beginning of the preceding course, but these courses need not necessarily have been pursued continuously or consecutively.

The curriculum for all applicants who matriculate before September 1, 1965, shall provide for adequate instruction in the following:

Anatomy
Embryology
Histology
Physiology
Biochemistry
Bacteriology
Pathology
Immunology
Pharmacology
Materia medica
Toxicology
Preventive medicine
Hygiene
Shoe therapy
Physical therapy
Foot orthopedics
Didactic podiatry
Podiatric medicine
Physical and laboratory diagnosis
Neurology
Psychology
Dermatology
Syphilology
Podiatric surgery
Orthopedic surgery
Roentgenology

The curriculum for all applicants who matriculate on or after September 1, 1965, shall provide for adequate instruction in the following:

Anatomy
Embryology
Histology
Physiology
Biochemistry
Bacteriology
Pathology
Immunology
Pharmacology
Materia medica
Toxicology
Preventive medicine
Hygiene
Shoe therapy
Physical therapy
Foot orthopedics
Didactic podiatry
Podiatric medicine
Physical and laboratory diagnosis
Neurology
Psychology
Dermatology
Syphilology
Podiatric surgery
Orthopedic surgery
Roentgenologic technique and radiation safety

SEC. 3. Section 6904 of the Business and Professions Code is amended to read:

6904. If the director determines that a licensee has wrongfully failed to pay any sum or that a licensee is unable to pay any sum due to a customer, as prescribed in the rules and regulations adopted by the director, he may cause an action to be filed in the superior court in the county in which the licensee is doing business for the purpose of having a receiver appointed, which said action and all proceedings pursuant thereto shall be had under the provisions of Title VII, Chapter 5, Sections 564–570 of the Code of Civil Procedure of the State of California.

SEC. 4. Section 9925 of the Business and Professions Code is amended to read:

9925. All rules and regulations shall become effective not earlier than 30 days after approval by the director, and upon compliance with the procedure provided in Chapter 4.5 (com-

mencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 5. Section 19626 of the Business and Professions Code is amended to read:

19626 The first balance of the fund is hereby annually appropriated as follows:

(a) Five percent, but not to exceed one hundred eighty thousand dollars ($180,000), for payment to and the use of the citrus fruit fairs defined in Section 4603 of the Agricultural Code, excluding any district or county fairs, for the purpose of conducting and carrying on annual citrus fruit fairs and expositions to promote and encourage the citrus fruit industry of this state.

(b) One hundred fifty thousand dollars ($150,000) of such 5 percent is allocated annually to the citrus fruit fairs defined in Section 4603 of the Agricultural Code held in counties with a population in excess of 160,000, as shown by the last federal population census. If there is but one such fair in such counties, all of such one hundred fifty thousand dollars ($150,000) is allocated to and for the use of such fair.

(c) The balance of the 5 percent is allocated to the citrus fruit fairs defined in Section 4603 of the Agricultural Code in counties with a population of less than 160,000, and to those other citrus fruit fairs and expositions in such counties with a population of less than 160,000 which have been conducted and carried on annually for not less than 20 years by nonprofit associations or corporations for the purpose of promoting and encouraging the citrus fruit industry of California.

Each citrus fruit fair held in a county with a population of less than 160,000 shall receive thirty thousand dollars ($30,000) each year.

(d) No appropriation shall be made under this section to any citrus fruit fair or citrus fruit fair and exposition which did not receive such an appropriation prior to 1959.

SEC. 6. Section 19627 of the Business and Professions Code is amended to read:

19627. Forty percent, but not more than four million six hundred eighty thousand dollars ($4,680,000), of the first balance of the fund is hereby annually appropriated for the encouragement of county, district, or combined county and district fairs (exclusive of the California State Fair and Exposition, the Los Angeles County Fair, 1-A District Agricultural Association, the Sixth District Agricultural Association, known and designated as the California Museum of Science and Industry, the 48th District Agricultural Association, and citrus fruit fairs), to be apportioned by and expended under the supervision of the Department of Agriculture in the manner and for the purpose prescribed by Part 4 (commencing with Section 4401) of Division 3 of the Agricultural Code and other applicable provisions of law including this section.

The Department of Agriculture shall apportion the money appropriated by this section to the several eligible county, district, or combined county and district agricultural fairs on the basis of the need of each such fair for financial assistance from the state during the year for which the apportionment is to be made. No such fair shall receive such an apportionment in excess of such need as established by the department. In determining such need, the department shall take into consideration, as to each such fair, all relevant factors, including, but not limited to, the following:

(1) The approved budget of the fair.

(2) The statements of operations of the fair filed pursuant to Section 4505 of the Agricultural Code.

(3) The amount of money available to the fair from its own resources or from sources other than the state.

(4) The propriety and amount of any reserve funds established, or sought to be established, by the fair.

(5) The maximum amount of revenue from all sources which might reasonably be expected to become available to the fair during such year, and the times within such year at which it will become available.

(6) The classification of the fair.

No such county, district or combined county and district agricultural fair shall receive an apportionment of more than sixty-five thousand dollars ($65,000) in any one year. No such fair shall be eligible for an apportionment pursuant to this section unless it has filed, for each year subsequent to 1958, a statement of its operations during such year as provided in Section 4505 of the Agricultural Code, irrespective of whether or not an apportionment for any such year or years is sought or made and all such fairs shall be deemed to be subject to said Section 4505 for all purposes.

SEC. 7. Section 19628 of the Business and Professions Code is amended to read:

19628. If any fair or exposition has not been or is not held in any year because of war conditions, or because the grounds or buildings of the fair or exposition have been taken over and occupied by the United States or its armed forces, such year shall not be considered for the purpose of any requirement of Sections 19626 and 19627 of this code or of Section 4603 of the Agricultural Code that a fair or exposition be conducted annually or conducted annually for a prescribed period of years.

SEC. 8. Section 19630 of the Business and Professions Code is amended to read:

19630. There is hereby appropriated annually from the second balance of the fund, for expenditure without regard to fiscal years, the sum of two million two hundred fifty thousand dollars ($2,250,000) or so much thereof as may be approved by the State Public Works Board and allocated by the

Director of Agriculture in his discretion for any of the following:

(a) Permanent improvements for fair purposes upon the property of any county or district agricultural association fair which is subject to the provisions of Section 4505 of the Agricultural Code, or of any citrus fruit fair defined in Section 4603 of the Agricultural Code, or other citrus fruit fair and exposition qualified to receive an allocation under Section 19626.

(b) The purchase of equipment for fair purposes of such fairs, citrus fruit fairs and citrus fruit fairs and expositions.

(c) The acquisition or purchase of real property, including costs of appraisal and incidental costs, to be used as sites for the permanent improvements specified in subdivision (a).

Any unappropriated money in the fund shall be transferred to the General Fund by the State Controller upon the certification of the Director of Agriculture at the end of each calendar month. Any money in the fund required to satisfy allocations made under subdivision (c) of Section 19626 prior to the effective date of this amendment shall not be deemed to be unappropriated money.

SEC. 9. Section 19630.5 of the Business and Professions Code is amended to read:

19630.5. Notwithstanding any other provision of law, any county, district agricultural association, citrus fruit fair defined in Section 4603 of the Agricultural Code, or citrus fruit fair and exposition qualified to receive an allocation under Section 19626, may, with the approval of the Department of Agriculture, expend any money available for expenditure by it for the construction or operation of recreational and cultural facilities of general public interest.

SEC. 10. Section 19636 of the Business and Professions Code is amended to read:

19636. All money appropriated pursuant to this article to the California State Fair and Exposition, the Los Angeles County Fair, the Sixth District Agricultural Association, known and designated as the California Museum of Science and Industry, the citrus fruit fairs defined in Section 4603 of the Agricultural Code, and the 1-A District Agricultural Association, except money allocated by the Director of Agriculture for fair purposes under Section 19630 of this code, is exempt from the provisions of Section 16304 of the Government Code, and shall remain available for expenditure from year to year until expended.

SEC. 11. Section 20711 of the Business and Professions Code is amended to read:

20711. The department may adopt, amend, and repeal such rules and regulations as may be necessary to enable it to carry into effect the provisions of this chapter. The rules and regulations shall be adopted, amended, and repealed in accordance with Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 323

An act to maintain the Health and Safety Code by amending Sections 459, 3380, 11901, 24404, 26255, 28791, and 39054, and by adding Section 6936, relating to health and safety.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 459 of the Health and Safety Code is amended to read:

459. The county health officer shall investigate health and sanitary conditions in every county jail and other detention facility of the county at least annually. He may make such additional investigations of any county jail or other detention facility of the county as he may determine are necessary. He shall submit his report to the Attorney General, the Board of Corrections, the sheriff or other person in charge of such jail or detention facility, and to the board of supervisors. In any city having a health officer, such health officer shall investigate health and sanitary conditions in every city jail and other detention facility at least annually. He may make such additional investigations of any city jail or detention facility as he may determine are necessary. He shall submit his report to the Attorney General, the Board of Corrections, the person in charge of such jail or detention facility, and to the governing body of the city.

Whenever so requested by the sheriff, the chief of police the local legislative body, or the Board of Corrections, but not oftener than twice annually, the county health officer or, in cities having a city health officer, the city health officer, shall investigate health and sanitary conditions in any of the jails and detention facilities described in this section, and submit his report to each of the officers and agencies authorized in this section to request such investigation and to the Attorney General and the Board of Corrections

The investigating officer shall determine if the food, clothing, and bedding is of sufficient quantity and quality which at least shall equal minimum standards and requirements prescribed by the Board of Corrections for the feeding, clothing and care of prisoners in all county, city and other local jails and detention facilities, and if the sanitation requirements required by Article 2 (commencing with Section 28540), Chapter 11, Division 21 of this code for restaurants have been maintained.

SEC. 2. Section 3380 of the Health and Safety Code is amended to read:

3380. No person may be unconditionally admitted as a pupil of a private elementary or secondary school or as a pupil of any school district unless prior to his first admission to school in California he has been immunized against poliomye-

litis in the manner and with immunizing agents approved by the State Department of Public Health.

A person who presents evidence that he has received one such immunizing dose of poliomyelitis vaccine may be admitted on condition that within a period designated by regulation of the State Department of Public Health he presents evidence that he has been fully immunized against poliomyelitis.

A person who has not received any poliomyelitis vaccine may be admitted on condition that within two weeks of the date of his admission he shall present evidence that he has obtained his first such immunizing dose and shall thereafter within a period designated by regulation of the State Department of Public Health present evidence that he has been fully immunized against poliomyelitis.

This chapter does not apply to:

(a) Any person who is seeking admission to a public secondary school as an "adult" as that word is defined in Section 5756 of the Education Code.

(b) Any person who is seeking admission to a private secondary school for enrollment in a course consisting of less than 10 hours of instruction a week who attains his 21st birthday prior to the first day of the semester or other period of instruction for which he is seeking enrollment.

(c) Any person who is seeking admission to a junior college who has graduated from a high school located in this state.

(d) Students 18 years of age or older seeking enrollment in an adult school or a class for adults.

SEC. 3. Section 6936 is added to the Health and Safety Code, to read:

6936. Pursuant to Section 2504 of the Elections Code, any election held under the provisions of Chapter 161 of the Statutes of 1891 or the Sanitary District Act of 1919 shall be held on the second Tuesday in March rather than the first Tuesday after the first Monday in March.

SEC. 4. Section 11901 of the Health and Safety Code is amended to read:

11901. "Restricted dangerous drugs," as used in this division, means any of the following:

(a) "Hypnotic drug" including acetyluria derivatives, barbituric acid derivatives, chloral, paraldehyde, sulfomethane derivatives, or any compounds or mixtures or preparations that may be used for producing hypnotic effects.

(b) "Amphetamine" including amphetamine, desoxyephedrine, or compounds or mixtures thereof.

(c) "Lysergic acid," "LSD" (lysergic acid diethylamide) and "DMT" (N'N-dimethyltryptamine), including their salts and derivatives or any compounds, mixtures or preparations which are chemically identical with such substances.

SEC. 5. Section 24404 of the Health and Safety Code is amended to read:

24404. This chapter is not applicable to any abandoned mining shaft, pit, well, septic tank, cesspool, or other abandoned excavation which contains a surface area of more than one-half acre.

SEC. 6. Section 26255 of the Health and Safety Code is amended to read:

26255. (1) A drug intended for use by man which:

(a) Is a habit-forming drug to which Section 26254 applies; or

(b) Because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to administer such drug; or

(c) Is limited by an effective application under Section 26288 to use under the professional supervision of a practitioner licensed by law to administer such drug, shall be dispensed only (i) upon a written prescription of a practitioner licensed by law to administer such drug, or (ii) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by the pharmacist, or (iii) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist. The act of dispensing a drug contrary to the provisions of this paragraph shall be deemed to be an act which results in the drug being misbranded while held for sale.

(2) Any drug dispensed by filling or refilling a written or oral prescription of a practitioner licensed by law to administer such drug shall be exempt from the requirements of Sections 26241, 26242, 26243, 26244, 26245, 26246, 26247, 26250, and 26254, and the provisions of Section 26249 deeming a drug misbranded if its container is so formed, made, or filled as to be misleading, except the packaging requirements of Sections 26245, 26246 and 26247, if the drug bears a label containing the name and address of the dispenser, the serial number and date of the prescription or of its filling, the name of the prescriber, and, if stated in the prescription, the name of the patient, and the directions for use and cautionary statements, if any, contained in such prescription. This exemption shall not apply to any drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail, or to a drug dispensed in violation of subdivision (1) of this section.

(3) The board may by regulation remove drugs subject to Section 26254 and Section 26288 from the requirements of subdivision (1) of this section when such requirements are not necessary for the protection of the public health.

(4) A drug which is subject to subdivision (1) of this section shall be deemed to be misbranded if at any time prior to

dispensing its label fails to bear the statement "Caution: Federal law prohibits dispensing without prescription," or "Caution: Not to be dispensed without a prescription." The cautionary statements shall be printed as prescribed in Chapter 10 (commencing at Section 25900), Division 20 of this code. A drug to which subdivision (1) of this section does not apply shall be deemed to be misbranded if at any time prior to dispensing its label bears the caution statement provided for in this subdivision.

(5) Nothing in this section shall be construed to relieve any person from any requirement described by or under authority of law with respect to drugs now included or which may hereafter be included within the classifications stated in Division 10 (commencing at Section 11000) of this code.

SEC. 7. Section 28791 of the Health and Safety Code is amended to read:

28791. In addition to the remedies heretofore provided, the department is hereby authorized to bring an action in superior court and such court shall have jurisdiction upon hearing and for cause shown, to grant a temporary or permanent injunction restraining any person from violating any provision of this chapter. 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 department shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

SEC. 8. Section 39054 of the Health and Safety Code is amended to read:

39054. If the board finds after investigation and testing that its ambient air quality standards are not being complied with within a basin or that any local or regional authority has not taken reasonable action to control emissions from nonvehicular sources, it may request a report from the such local or regional authority as to the action taken to control the sources responsible. If the board's investigation and testing reveals that its standards are not being complied with, or the local or regional standards are not being complied with or are inadequate, and that the report of the local or regional authority is unsatisfactory, the board may hold public hearings. If the board after holding public hearings, is still unsatisfied it may issue a statement of findings, and may direct the local or regional authority, to take further reasonable action. If any local or regional authority does not comply with the directive of the board within 30 days after the date of the directive, the board shall enforce the standards and the rules and regulations adopted by the board pursuant to this part within the area under the jurisdiction of such local or regional authority until such time as the directive is withdrawn by the board or the local or regional authority complies with the directive. The board may take any other appropriate legal action to carry

out its responsibilities in such area. The board shall also have the authority, if such area is within any air pollution control district which is functioning and exercising its powers, to take any action which the district may take. If such area is not within an air pollution control district which is functioning and exercising its powers, the board shall also have the authority to take any action which Chapter 2 (commencing with Section 24198) of Division 20 authorizes a district which is functioning and exercising its powers under that chapter to take. Every person who violates any standard, rule or regulation adopted by the board pursuant to this part in any area in which such standards, rules, and regulations are being enforced by the board is guilty of a misdemeanor. Every day during any portion of which such violation occurs constitutes a separate offense.

This section does not authorize the board to enforce in any area under the jurisdiction of any local or regional authority its standards, rules, or regulations relating to emissions from motor vehicles, with respect to motor vehicles registered to owners residing in any area to which the provisions of subdivisions (c) and (d) of Section 39090 are made inapplicable by subdivisions (k) or (*l*) of that section.

CHAPTER 324

An act to maintain the Public Resources Code by amending the heading of Article 3 (commencing with Section 660), Chapter 2, Division 1, by amending Sections 660 and 667, and by repealing the heading of Division 7 (commencing with Section 8600), relating to public resources.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. The heading of Article 3 (commencing with Section 660), Chapter 2, Division 1 of the Public Resources Code is amended to read:

Article 3. State Mining and Geology Board and the Division of Mines and Geology

SEC. 2. Section 660 of the Public Resources Code is amended to read:

660. There is in the department a State Mining and Geology Board, consisting of five members appointed by the Governor, subject to confirmation by the Senate, for terms of four years and until their successors are appointed and qualified.

SEC. 3. Section 667 of the Public Resources Code is amended to read:

667. The board shall represent the state's interest in the development, utilization and conservation of the mineral resources of the state, and in the development, collection, collation and dissemination of geological information necessary to the understanding and utilization of the state's terrain. It may establish policies conforming to the provisions of state statutes to govern the administration of the Division of Mines and Geology.

SEC. 4. The heading of Division 7 (commencing with Section 8600) of the Public Resources Code is repealed.

CHAPTER 325

An act to amend Sections 1197.5 and 1199 of the Labor Code, relating to the equal pay law.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 1197.5 of the Labor Code is amended to read:

1197.5. (a) No employer shall pay any individual in his employ at wage rates less than the rates paid to employees of the opposite sex in the same establishment for the same quantity and quality of the same classification of work; provided, that nothing herein shall prohibit a variation of rates of pay for male and female employees engaged in the same classification of work based upon a difference in seniority, length of service, ability, skill, difference in duties or services performed, whether regularly or occasionally, difference in the shift or time of day worked, hours of work, or restrictions or prohibitions on lifting or moving objects in excess of specified weight, or other reasonable differentiation, factor or factors other than sex, when exercised in good faith.

(b) Any employer who violates subdivision (a) of this section is liable to the employee affected in the amount of the wages of which such employee is deprived by reason of such violation.

(c) The provisions of this section shall be administered and enforced by the Division of Industrial Welfare. After receipt of a complaint alleging a violation of this chapter, made by an employee, authorized representatives of the division shall have authority to inspect payrolls and other employment records, to compare character of work and operations in which employees are engaged, to question such persons and to obtain such other information as is reasonably necessary in the enforcement of this section. If the division finds that an

employer has violated Section 1197.5, it may supervise the payment of any sums found to be due and unpaid to employees under subdivision (a) of this section. Acceptance of payment of sum or sums made by an employer and approved by the division shall constitute a waiver on the part of the employee of his cause of action under subdivision (g) of this section.

(d) Every employer of male and female employees shall maintain records of the wages and wage rates, job classifications and other terms and conditions of employment of the persons employed by him. All such records shall be kept on file for a period of two years.

(e) Any affected employee may register with the Division of Industrial Welfare a complaint that the wages paid to him are less than the wages to which he is entitled under subdivision (a) of this section. The division shall take all proceedings necessary to enforce the payment of any sums found to be due and unpaid to such employees.

(f) The department or division may, with the consent of the employee or employees affected, commence and prosecute a civil action to recover unpaid wages under subdivision (a) of this section, and in addition to such wages shall be entitled to recover costs of suit. The consent of any employee to the bringing of any such action shall constitute a waiver on the part of the employee of his cause of action under subdivision (g) unless such action is dismissed without prejudice by the department or the division.

(g) Any employee receiving less than the wage to which he is entitled under this section may recover in a civil action the balance of such wages, together with the costs of suit, notwithstanding any agreement to work for a lesser wage.

(h) The burden of proof in any civil action shall be upon the person bringing the claim to establish that the differentiation in rate of pay is based upon the factor of sex and not upon other differences, factor or factors.

(i) A civil action to recover wages under subdivision (a) of this section may be commenced no later than two years after the cause of action occurs, if the employee does not have knowledge of such violation. and not later than 180 days after the cause of action occurs if the employee has knowledge of such violation.

SEC. 2. Section 1199 of the Labor Code is amended to read:

1199. Every employer or other person acting either individually or as an officer, agent, or employee of another person is guilty of a misdemeanor and is punishable by a fine of not less than fifty dollars ($50) or by imprisonment for not less than 30 days. or by both, who does any of the following:

(a) Requires or causes any woman or minor to work for longer hours than those fixed, or under conditions of labor prohibited by an order of the commission.

(b) Pays or causes to be paid to any woman or minor a wage less than the minimum fixed by an order of the commission.

(c) Violates or refuses or neglects to comply with any provision of this chapter or any order or ruling of the commission.

(d) Pays or causes to be paid any employee a wage less than the rate paid to an employee of the opposite sex as required by Section 1197.5 of this code.

(e) Reduces the wages of any employee in order to comply with Section 1197.5.

CHAPTER 326

An act to amend Sections 3559, 3560, 3561, and 3563 of, to add Article 1.8 (commencing with Section 3527) to Chapter 1 of Division 4 of, and to repeal Sections 3555, 3556, 3557, and 3558 of, the Elections Code, relating to ballot measures, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Article 1.8 (commencing with Section 3527) is added to Chapter 1 of Division 4 of the Elections Code, to read:

Article 1.8. Measures Proposed by Legislature

3527. Every measure submitted to the people by the Legislature shall appear on the ballot of the first general election occurring after 150 days after the adoption of the proposal by the Legislature.

3527.1. Whenever the Legislature submits any measure to the voters of the state, the author of the measure and one member of the same house who voted with the majority on the submission of the measure, shall be appointed by the presiding officer of that house to draft an argument for the adoption of the measure. This argument shall not exceed 500 words in length.

If the author of the measure desires separate arguments to be written in its favor by each person appointed, separate arguments may be written, but the combined length of the two arguments shall not exceed 500 words.

3527.2. If a measure submitted to the voters by the Legislature was not adopted unanimously, one member of each house who voted against it shall be appointed by the presiding officers of the respective houses, at the same time as appointments to draft an argument in its favor are made, to write an argument against the measure. The argument shall not exceed 500 words.

If those members appointed to write an argument against the measure so choose, each may write a separate argument opposing it, but the combined length of the two arguments shall not exceed 500 words.

3527.3. Arguments prepared by legislators appointed by the presiding officer of the Senate or Assembly shall be submitted to the Secretary of State within 15 days after the adoption of the measure by the Legislature. The arguments may not be amended or changed after submission.

3527.4. If an argument for or an argument against a measure submitted to the voters by the Legislature has not been filed by a Member of the Legislature within 15 days after the adoption of the measure by the Legislature, any voter may request the presiding officer of the house in which the measure originated for permission to prepare and file an argument for either side on which no argument has been prepared by a Member of the Legislature. The presiding officer of the house of origin shall grant permission unless two or more voters request permission to submit arguments on the same side of a measure, in which event the presiding officer shall designate one of the voters to write the argument. Any argument prepared pursuant to this section shall be submitted to the Secretary of State within 30 days after the adoption of the measure by the Legislature.

SEC. 2. Section 3555 of the Elections Code is repealed.

SEC. 3. Section 3556 of the Elections Code is repealed.

SEC. 4. Section 3557 of the Elections Code is repealed.

SEC. 5. Section 3558 of the Elections Code is repealed.

SEC. 6. Section 3559 of the Elections Code is amended to read:

3559. In case either the argument for or the argument against any measure placed on the ballot by initiative or referendum is not prepared and filed, the Secretary of State shall, by a general press release, request voters to submit arguments.

SEC. 7. Section 3560 of the Elections Code is amended to read:

3560. The press release shall be mailed at least 130 days prior to the date of the election at which an initiative or referendum measure is to be voted upon.

SEC. 8. Section 3561 of the Elections Code is amended to read:

3561. The press release shall consist of an announcement containing:

(a) A summary of the essential nature or purpose of the measure for or against which no argument has been prepared or filed.

(b) A statement as to whether the affirmative, negative, or both arguments have not been filed.

(c) An invitation to any voter or group of voters to submit and file with the Secretary of State, within 120 days prior to

the election, arguments for or against the measure as to which affirmative or negative arguments have not been filed.

SEC. 9. Section 3563 of the Elections Code is amended to read:

3563. Any voter or group of voters may, at any time within the time limit, prepare and file with the Secretary of State an argument for or against any measure as to which arguments have not been prepared or filed. The argument shall not exceed 500 words in length.

SEC. 10. Notwithstanding the provisions of Section 3527 of the Elections Code as added by this act, Senate or Assembly constitutional amendments of the 1968 Regular Session shall be placed on the ballot of the 1968 general election, if adopted by the Legislature on or before July 7, 1968. Assembly Constitutional Amendment 30 if adopted by that date, shall appear as Proposition 1 on the ballot and in the ballot pamphlets.

Arguments on these measures shall be prepared in the manner prescribed in Article 1.8 (commencing with Section 3527) of Chapter 1 of Division 4 of the Elections Code, as added by this act, except that the presiding officer of each house shall appoint voters on or before the fifth day after a constitutional amendment is adopted by the Legislature to prepare arguments for and against such constitutional amendments to be submitted to the Secretary of State within 15 days after their appointment. The arguments prepared by voters shall be used by the Secretary of State only if the corresponding argument by a legislator is not submitted within 15 days after the constitutional amendment is adopted by the Legislature.

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:

It is necessary that this act become effective for the general election in November 1968.

CHAPTER 327

An act to add Section 1430.5 to the Probate Code, relating to minors.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 1430.5 is added to the Probate Code, to read:

1430.5. Except where the provisions of Section 1431 or 1510 of this code, Section 372 of the Code of Civil Procedure, or Article 4 (commencing with Section 1154) of Chapter 3 of

Title 4 of Part 4 of Division 2 of the Civil Code apply, if a minor has no guardian of his estate, and if there is money belonging to the minor in excess of two thousand dollars ($2,000) but not exceeding ten thousand dollars ($10,000), his father, or if his father is dead or the parents of such minor are living separate or apart and his mother then has care or custody of such minor, then his mother, or the person holding such money belonging to such minor, may file a verified petition in the superior court of the county where the minor resides requesting such court to take jurisdiction over the disposition of such money, and the court may order that such money be deposited in a bank or banks, or a trust company or companies, or invested in an account or accounts in an insured savings and loan association or associations, subject to withdrawal only upon order of the court, or it may require a guardian of the estate to be appointed and the money paid to such guardian, or prescribe such other conditions as the court in its discretion deems to be in the best interests of the minor.

The terms "account in an insured savings and loan association" and "guardian of the estate" used in this section have the same meaning and effect as provided in Section 1510 of this code.

CHAPTER 328

An act to amend Section 16645.9 of the Education Code, relating to development centers for handicapped minors.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 16645.9 of the Education Code is amended to read:

16645.9. Pursuant to Sections 20501 to 21001 inclusive, the governing board of any school district or county superintendent of schools maintaining a development center may include in its budget the amount necessary to carry out its program pursuant to this article (commencing at Section 16645.1) and the board of supervisors shall levy a school district tax or county tax necessary to raise such amount. The tax shall be in addition to any other school district tax or county tax authorized by law to be levied.

Funds derived from such tax may be expended in addition to state funds, and shall not operate to affect the operation of the formula for apportioning state funds provided for in Section 16645.8.

Any tax funds raised pursuant to this section may be used to purchase land or buildings, to make alterations or additions to existing buildings, and to purchase furniture, apparatus or equipment for a development center.

CHAPTER 329

An act to amend Sections 11011 and 11011.1 of, to add Sections 10249.3, 10249.4, 10249.5, 11011.05, and 11011.12 to, and to repeal Section 11011.7 of, the Business and Professions Code, relating to subdivided lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 10249.3 is added to the Business and Professions Code, to read:

10249.3. The fee for filing an application for a permit required by this article is five hundred dollars ($500) per subdivision, plus three dollars ($3) for each lot in the subdivision.

SEC. 2. Section 10249.4 is added to the Business and Professions Code, to read:

10249.4. The fee for filing an application for a renewal permit required by this article is one hundred dollars ($100).

SEC. 3. Section 10249.5 is added to the Business and Professions Code, to read:

10249.5. The fee for filing an application for an amended permit required by this article is three hundred dollars ($300).

SEC. 4. Section 11011 of the Business and Professions Code is amended to read:

11011. After receiving the notice of intention, the commissioner may require such additional information concerning the project as he deems necessary, for which purpose he may prepare a questionnaire for the owner, his agent or subdivider, to answer. A filing fee of fifty dollars ($50), plus three dollars ($3) for each lot in the subdivision, shall accompany the answered questionnaire.

SEC. 5. Section 11011.05 is added to the Business and Professions Code, to read:

11011.05. The fee for filing an application for a preliminary, amended or renewal subdivision report is fifty dollars ($50).

SEC. 6. Section 11011.1 of the Business and Professions Code is amended to read:

11011.1. With respect to an answered questionnaire in connection with any subdivision described in Section 11004.5 of this code, or any interest therein, a filing fee of five hundred dollars ($500) per subdivision, plus three dollars ($3) for each lot, parcel, apartment or unit in said subdivision, shall accompany the answered questionnaire. The filing fee provided for in this section shall be in lieu of the filing fee otherwise provided for in Section 11011 of this code.

SEC. 7. Section 11011.12 is added to the Business and Professions Code, to read:

11011.12. The fee for filing an application for a preliminary, amended or renewal subdivision report in connection with any subdivision described in Section 11004.5 of this code, or any interest therein, is one hundred dollars ($100).

SEC. 8. Section 11011.7 of the Business and Professions Code is repealed.

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

A chronic deficit has existed in the operation of the subdivided lands law activities of the Real Estate Division in the Department of Investment which threatens to deplete the Real Estate Fund. This act will prescribe fees which will place such activities on a pay-as-you-go basis. In order to protect the solvency of the Real Estate Fund and so this act can become effective before the commencement of the 1968–69 fiscal year, it is imperative that it take effect immediately.

CHAPTER 330

An act to amend Sections 10471 and 10472 of, to add Section 10473 to, and to repeal Section 10473 of, the Business and Professions Code, relating to the Real Estate Education, Research and Recovery Fund.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 10471 of the Business and Professions Code is amended to read:

10471. When any aggrieved person obtains a final judgment in any court of competent jurisdiction against any person or persons licensed under this part, under grounds of fraud, misrepresentation or deceit arising directly out of any transaction when the judgment debtor was licensed and performed acts for which a license is required under this part, and which cause of action occurred on or after July 1, 1964, the aggrieved person may, upon termination of all proceedings including reviews and appeals in connection with the judgment, file a verified application in the court in which the judgment was entered for an order directing payment out of the Real Estate Education, Research and Recovery Fund of the amount of actual and direct loss in such transaction up to the sum of ten thousand dollars ($10,000) of the amount unpaid upon the judgment.

A copy of the verified application must be served upon the commissioner and a certificate or affidavit of such service filed with the court.

SEC. 2. Section 10472 of the Business and Professions Code is amended to read:

10472. The court shall conduct a hearing upon such application 30 days after service of the application upon the Real Estate Commissioner. Upon petition of the Real Estate Commissioner, the court shall continue the hearing up to 60 days further; and upon a showing of good cause may continue the hearing for such further period as the court deems appropriate. At the hearing the aggrieved person shall be required to show:

(a) He is not a spouse of debtor, or the personal representative of such spouse.

(b) He has complied with all the requirements of this article.

(c) He has obtained a judgment as set out in Section 10471, stating the amount thereof and the amount owing thereon at the date of the application.

(d) He has obtained issuance of an order pursuant to Section 714 of the Code of Civil Procedure and examined the judgment debtor under oath concerning his property.

(e) He has made all reasonable searches and inquiries to ascertain whether the judgment debtor is possessed of real or personal property or other assets, liable to be sold or applied in satisfaction of the judgment.

(f) That by such search he has discovered no personal or real property or other assets liable to be sold or applied, or that he has discovered certain of them, describing them, owned by the judgment debtor and liable to be so applied, and that he has taken all necessary action and proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized.

(g) That he has diligently pursued his remedies against all the judgment debtors and all other persons liable to him in the transaction for which he seeks recovery from the Real Estate Education, Research and Recovery Fund.

(h) That he is making said application no more than one year after the termination of all proceedings, including reviews and appeals, in connection with the judgment.

(i) That he has posted a bond to guarantee court costs, including reasonable attorney's fees, should his application be denied, in the amount of 10 percent of the recovery he seeks from the Real Estate Education, Research and Recovery Fund, at least 20 days before the hearing upon his application.

SEC. 3. Section 10473 of the Business and Professions Code is repealed.

SEC. 4. Section 10473 is added to the Business and Professions Code, to read:

10473. Whenever the court proceeds upon an application as set forth in Section 10471, it shall order payment out of the Real Estate Education, Research and Recovery Fund only upon a determination that the aggrieved party has a valid cause of action within the purview of Section 10471 and has complied with the provisions of Section 10472.

The judgment shall be only prima facie evidence of such cause of action and for the purposes of this article shall not be conclusive. The commissioner may defend any such action on behalf of the fund and shall have recourse to all appropriate means of defense and review including examinations of witnesses.

The commissioner may move the court at any time to dismiss the application when it appears there are no triable issues and the petition is without merit. The motion may be supported by affidavit of any person or persons having knowledge of the facts, and may be made on the basis that the petition, and the judgment referred to therein, does not form the basis for a meritorious recovery claim within the purview of Section 10471; provided, however, the commissioner shall give written notice at least 10 days before such motion.

The commissioner may, subject to court approval, compromise a claim based upon the application of an aggrieved party. He shall not be bound by any prior compromise or stipulation of the judgment debtor.

CHAPTER 331

An act to amend Section 11535 of the Business and Professions Code, relating to subdivisions.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 11535 of the Business and Professions Code is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five or more parcels; provided, that this chapter shall not apply to the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases.

(b) Subdivision does not include any parcel or parcels of land which is divided into four or less parcels.

(c) Subdivision does not include the division of any real property improved or unimproved or a portion thereof shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, if any of the following conditions prevail:

(1) The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the governing body.

(2) Any parcel or parcels divided into lots or parcels, each of a gross area of 20 acres or more, and each of which has an approved access to a maintained public street or highway.

(3) Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.

(4) Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more.

(d) In any case provided in subdivisions (c)(1), (c)(2), and (c)(3), and in the case of subdivision (b) when requested by local ordinance, a tentative map shall be submitted to the governing body or advisory agency (in the same manner as provided in this chapter for subdivisions) for approval as to area and lot design and as to all requirements of this section. Within one year after approval of the tentative map, a parcel map showing each new parcel or parcels may be filed with the recorder of the county concerned. This map shall be filed prior to sale, lease, or financing of such parcels. Conveyances may be made of parcels shown on such map by number or other such designation. Upon application an extension of the approval of the tentative map, not to exceed one year, may be granted by the governing body or advisory agency.

The governing body may require dedications or an offer of dedication by separate instrument for street opening or widening or easements. If dedications or offers of dedications are required, such dedications shall be completed prior to filing of the parcel map. An offer of dedication shall be in such terms as to be binding on the owner, his heirs, assigns or successors in interest, and shall continue until the governing body accepts or rejects such offer.

In the case of subdivision (c)(3), and in the case of subdivision (b) when local ordinance provides, the governing body may require the improvement of public or private streets, highways, ways, or easements as may be necessary for local traffic, drainage and sanitary needs.

(e) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(f) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

SEC. 2. Section 11535 of the Business and Professions Code is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five or more parcels; provided, that this chapter shall not apply to the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases.

(b) Subdivision does not include any parcel or parcels of land which is divided into four or less parcels. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.

(c) Subdivision does not include the division of any real property improved or unimproved or a portion thereof shown on the latest adopted county tax roll as a unit or as contiguous units which is divided for the purpose of sale, lease, or financing, whether immediate or future, if any of the following conditions prevail:

(1) The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the governing body.

(2) Any parcel or parcels divided into lots or parcels, each of a gross area of 20 acres or more, and each of which has an approved access to a maintained public street or highway.

(3) Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.

(4) Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more.

(d) In any case provided in subdivisions (c)(1), (c)(2), and (c)(3), and in the case of subdivision (b) when requested by local ordinance, a tentative map shall be submitted to the governing body or advisory agency (in the same manner as provided in this chapter for subdivisions) for approval as to area and lot design and as to all requirements of this section. Within one year after approval of the tentative map, a parcel map showing each new parcel or parcels may be filed with the recorder of the county concerned. This map shall be filed prior to sale, lease, or financing of such parcels. Conveyances may be made of parcels shown on such map by number or other such designation. Upon application an extension of the approval of

the tentative map, not to exceed one year, may be granted by the governing body or advisory agency.

The governing body may require dedications or an offer of dedication by separate instrument for street opening or widening or easements. If dedications or offers of dedications are required, such dedications shall be completed prior to filing of the parcel map. An offer of dedication shall be in such terms as to be binding on the owner, his heirs, assigns or successors in interest, and shall continue until the governing body accepts or rejects such offer.

In the case of subdivision (c)(3), and in the case of subdivision (b) when local ordinance provides, the governing body may require the improvement of public or private streets, highways, ways, or easements as may be necessary for local traffic, drainage and sanitary needs.

(e) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(f) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

SEC. 3. Section 11535 of the Business and Professions Code is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five or more parcels; provided, that this chapter shall not apply to the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases.

(b) Subdivision does not include any parcel or parcels of land which is divided into four or less parcels.

(c) Subdivision does not include the division of any real property improved or unimproved or a portion thereof shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, if any of the following conditions prevail:

(1) The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the governing body.

(2) Any parcel or parcels divided into lots or parcels, each of a gross area of 20 acres or more, and each of which has an approved access to a maintained public street or highway.

(3) Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and

which has the approval of the governing body as to street alignments and widths.

(4) Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more or each of which is a quarter-quarter section or larger.

(d) In any case provided in subdivisions (c)(1), (c)(2), and (c)(3), and in the case of subdivision (b) when requested by local ordinance, a tentative map shall be submitted to the governing body or advisory agency (in the same manner as provided in this chapter for subdivisions) for approval as to area and lot design and as to all requirements of this section. Within one year after approval of the tentative map, a parcel map showing each new parcel or parcels may be filed with the recorder of the county concerned. This map shall be filed prior to sale, lease, or financing of such parcels. Conveyances may be made of parcels shown on such map by number or other such designation. Upon application an extension of the approval of the tentative map, not to exceed one year, may be granted by the governing body or advisory agency.

The governing body may require dedications or an offer of dedication by separate instrument for street opening or widening or easements. If dedications or offers of dedications are required, such dedications shall be completed prior to filing of the parcel map. An offer of dedication shall be in such terms as to be binding on the owner, his heirs, assigns or successors in interest, and shall continue until the governing body accepts or rejects such offer.

In the case of subdivision (c)(3), and in the case of subdivision (b) when local ordinance provides, the governing body may require the improvement of public or private streets, highways, ways, or easements as may be necessary for local traffic, drainage and sanitary needs.

(e) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(f) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

SEC. 4. Section 11535 of the Business and Professions Code is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five or more parcels; provided, that this chapter shall not apply to the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases.

(b) Subdivision does not include any parcel or parcels of land which is divided into four or less parcels. Any convey-

ance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.

(c) Subdivision does not include the division of any real property improved or unimproved or a portion thereof shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, if any of the following conditions prevail:

(1) The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the governing body.

(2) Any parcel or parcels divided into lots or parcels, each of a gross area of 20 acres or more, and each of which has an approved access to a maintained public street or highway.

(3) Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.

(4) Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more or each of which is a quarter-quarter section or larger.

(d) In any case provided in subdivisions (c)(1), (c)(2), and (c)(3), and in the case of subdivision (b) when requested by local ordinance, a tentative map shall be submitted to the governing body or advisory agency (in the same manner as provided in this chapter for subdivisions) for approval as to area and lot design and as to all requirements of this section. Within one year after approval of the tentative map, a parcel map showing each new parcel or parcels may be filed with the recorder of the county concerned. This map shall be filed prior to sale, lease, or financing of such parcels. Conveyances may be made of parcels shown on such map by number or other such designation. Upon application an extension of the approval of the tentative map, not to exceed one year, may be granted by the governing body or advisory agency.

The governing body may require dedications or an offer of dedication by separate instrument for street opening or widening or easements. If dedications or offers of dedications are required, such dedications shall be completed prior to filing of the parcel map. An offer of dedication shall be in such terms as to be binding on the owner, his heirs, assigns or successors in interest and shall continue until the governing body accepts or rejects such offer.

In the case of subdivision (c)(3), and in the case of subdivision (b) when local ordinance provides, the governing body may require the improvement of public or private streets, highways, ways, or easements as may be necessary for local traffic, drainage and sanitary needs.

(e) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(f) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

SEC. 5. Section 2 of this act shall become operative only if Assembly Bill No. 780 is enacted by the Legislature at its 1968 Regular Session and, as enacted, amends Section 11535 of the Business and Professions Code, and if Senate Bill No. 679 is not enacted at such session or, if enacted, does not amend Section 11535, and in such case at the same time as the amendments to Section 11535, as contained in Assembly Bill No. 780, become operative, in which event Sections 1, 3, 4, 6, and 7 of this act shall not be operative.

SEC. 6. Section 3 of this act shall become operative only if Senate Bill No. 679 is enacted by the Legislature at its 1968 Regular Session and, as enacted, amends Section 11535 of the Business and Professions Code and if Assembly Bill No. 780 is not enacted at such session or, if enacted, does not amend Section 11535, and in such case at the same time as the amendments to Section 11535, as contained in Senate Bill No. 679, become operative, in which event Sections 1, 2, 4, 5, and 7 of this act shall not be operative.

SEC. 7. Section 4 of this act shall become operative only if both Assembly Bill No. 780 and Senate Bill No. 679 are enacted by the Legislature at its 1968 Regular Session, and if each such bill, as enacted, amends Section 11535 of the Business and Professions Code, and in such case at the same time as the amendments to Section 11535, as contained in Assembly Bill No. 780 and Senate Bill No. 679, become operative, in which event Sections 1, 2, 3, 5, and 6 of this act shall not be operative.

CHAPTER 332

An act to amend Section 4425 of, and to repeal Section 4424 of, the Public Resources Code, relating to forestry.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 4424 of the Public Resources Code is repealed.

SEC. 2. Section 4425 of the Public Resources Code is amended to read:

4425. Any violation of the terms of a burning permit which is issued pursuant to Section 4423 is prima facie evidence of noncompliance with the terms of the permit and renders the permit null and void.

CHAPTER 333

An act to add Section 20102.1 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 20102.1 is added to the Government Code, to read:

20102.1. Notwithstanding any other provision of this part, any member of the system who has retired shall be entitled to vote and be elected to the board under subdivision (e) of Section 20100 in the same manner as he was entitled to vote and be elected to office at the date of his retirement. Ballots shall be distributed to such retired persons and canvassed as provided for in Section 20102.

CHAPTER 334

An act making an appropriation in augmentation of Item 255 of the Budget Act of 1967, relating to claims against the state, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Of the funds appropriated by Item 254 of the Budget Act of 1967 as augmented by Senate Bill No. 748 of the 1968 Regular Session, the sum of two hundred thousand dollars ($200,000) is reappropriated to the Department of Finance in augmentation of Item 255 of the Budget Act of 1967, to be expended in accordance therewith.

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

Claims against the state now exceed funds available and in order that these claims may be paid, it is imperative that this act take effect immediately.

CHAPTER 335

An act to add Section 9503.1 to the Corporations Code, relating to nonprofit corporations.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 9503.1 is added to the Corporations Code, to read:

9503.1. If the articles of incorporation or bylaws so provide, any action required or permitted to be taken by the board of directors under any provision of this division may be taken without a meeting, if all members of the board shall individually or collectively consent in writing to such action. Such written consent or consents shall be filed with the minutes of the proceedings of the board. Such action by written consent shall have the same force and effect as a unanimous vote of such directors. Any certificate or other document filed under any provision of this division which relates to action so taken shall state that the action was taken by unanimous written consent of the board of directors without a meeting, and that the articles of incorporation or bylaws, as the case may be, authorize the directors to so act, and such statement shall be prima facie evidence of such authority.

CHAPTER 336

An act to amend Section 172k of the Penal Code, relating to intoxicating liquors.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 172k of the Penal Code is amended to read:

172k. The provisions of Section 172 shall not apply to the sale or exposing or offering for sale of any intoxicating liquor on the premises of, and by the holder or agent of a holder of a retail off-sale general license or a retail package off-sale beer and wine license as defined in the Alcoholic Beverage Control Act (commencing with Section 23000, Business and Professions Code), outside one-half mile of any building actually occupied as a home, retreat, or asylum for ex-soldiers, ex-sailors, and ex-marines of the Army or Navy of the United States, established by the United States within a county with a population of more than three million.

CHAPTER 337

An act to amend Section 20017.6 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 20017.6 of the Government Code is amended to read:

20017.6. "Forestry member" includes members employed in the Division of Forestry, Department of Conservation, whose principal duties consist of active fire suppression or supervision including, but not limited to, members employed to perform duties now performed under the following titles: State Forester; all classes of rangers; all classes of deputy state forester; all classes of fire prevention and law enforcement officers; all classes of foresters; all classes of forestry foreman; all classes of forestry trainees; all classes of forestry job corps conservation center managers, supervisors, advisors, and recreation specialists; all classes of forestry equipment and civil engineers; forestry superintendent, conservation camps; forest fire truck driver; forestry fireman; forest firefighter; equipment maintenance foreman; forestry equipment operator; provided however that forestry members shall not include members employed in classes other than those set forth in this section whose principal duties are clerical or such as otherwise clearly do not fall within the scope of active fire suppression.

CHAPTER 338

An act to amend Section 61600 of the Government Code, relating to community services district.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 61600 of the Government Code is amended to read:

61600. A district formed under this law may exercise the powers hereinafter granted for such of the following purposes as have been designated in the petition for formation of such district and for such others of the following purposes as the district shall adopt as hereinafter provided:

(a) To supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation.

(b) The collection, treatment or disposal of sewage, waste and storm water of the district and its inhabitants.

(c) The collection or disposal of garbage or refuse matter.

(d) Protection against fire.

(e) Public recreation by means of parks, including but not limited to aquatic parks and recreational harbors, playgrounds, golf courses, swimming pools or recreation buildings.

(f) Street lighting.

(g) Mosquito abatement.

(h) The equipment and maintenance of a police department or other police protection to protect and safeguard life and property.

(i) To acquire sites for, construct, and maintain library buildings, and to cooperate with other governmental agencies for library service.

(j) The opening, widening, extending, straightening, and surfacing, in whole or part of any street in such district, subject to the consent of the governing body of the county or city in which said improvement is to be made.

(k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the governing body of the county or city in which said improvement is to be made.

(*l*) The conversion of existing overhead electric and communication facilities to underground locations, which facilities are owned and operated by either a 'public agency' or a 'public utility' as defined in Section 5896.2 of the Streets and Highways Code, and to take proceedings for and to finance the cost of such conversion in accordance with the provisions of Chapter 28 (commencing with Section 5896.1) of Part 3 of Division 7 of the Streets and Highways Code, subject to the consent of the public agency or public utility responsible for the owning, operation and maintenance of such facilities. Nothing herein contained shall be construed as giving a district formed under this law the power to install, own or operate such facilities as are described in this subdivision.

CHAPTER 339

An act to amend Section 72602.3 of the Government Code, relating to judges.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 72602.3 of the Government Code is amended to read:

72602.3. In addition to the number of judges prescribed by Section 72602, there shall be two judges for the Compton Municipal Court District.

CHAPTER 340

An act to amend Sections 20027, 20083, and 20085 of the Water Code, relating to the California Districts Securities Commission.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 20027 of the Water Code is amended to read:

20027. The commission shall periodically establish a fee schedule which shall result in the collection of amounts sufficient to cover the estimated costs incurred by the commission in performing any function of the commission authorized by law. The commission may adjust the fees as to any particular district to meet special circumstances in relation to that district. The commission shall charge and collect fees from districts and other local agencies for whom services are performed in accordance with the schedule. All funds collected by the commission shall be deposited in the General Fund. All funds for the support of the commission shall come from the General Fund.

The benefit of any services performed and any data obtained by any member of the commission or any other public official in pursuance of the requirements of any law other than this chapter shall be available for the use of the commission without charge to the district whose affairs are under investigation.

SEC. 2. Section 20083 of the Water Code is amended to read:

20083. During the progress of any work to be paid from the proceeds of any certified bond issue, the commission shall make from time to time an inspection of the work in order that the commission may be advised as to the progress of the work and of any deficiencies which may be found to exist.

SEC. 3. Section 20085 of the Water Code is amended to read:

20085. Upon completion of the work, the commission shall determine whether or not the project has been satisfactorily completed in accordance with the plan of the project.

CHAPTER 341

An act to add Section 72602.7 to the Government Code, relating to municipal courts.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 72602.7 is added to the Government Code, to read:

72602.7. In addition to the number of judges prescribed by Section 72602, there shall be one judge in the Los Cerritos Municipal Court District.

CHAPTER 342

An act to amend Section 4852.03 of the Penal Code, relating to certificates of rehabilitation.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 4852.03 of the Penal Code is amended to read:

4852.03. The period of rehabilitation shall not begin until the notice of intention to apply for a certificate of rehabilitation has been filed. For the purposes of this chapter, such period of rehabilitation shall constitute three years' residence in the county or counties in which such notice or notices are filed, plus a period of time determined by the following rules:

(1) To the three years there shall be added 30 days for each year of the term prescribed by statute as the maximum penalty of imprisonment for the crime of which the petitioner was convicted. When the maximum term includes the fractional part of a year, the period of rehabilitation shall be extended by a proportional part of the 30-day period.

(2) For the purposes of this chapter, crimes with maximum penalties of life imprisonment shall be regarded as carrying a maximum penalty of imprisonment for 50 years.

(3) Where the petitioner is convicted of multiple crimes, the maximum penalty for the purpose of computing the period of rehabilitation shall be determined as follows: (a) if the sentences are made to run concurrently, the greatest maximum penalty prescribed by statute for any of such crimes shall constitute the maximum penalty; (b) if the sentences are made to run consecutively, the sum of the maximum penalties prescribed by statute for all such crimes shall constitute the maximum penalty, but in no case shall the maximum penalty exceed the period prescribed for life imprisonment under subparagraph (2) of this section. The trial court hearing the application for the certificate of rehabilitation may, if the defendant was ordered to serve consecutive sentences, order that his statutory period of rehabilitation be extended for an additional period of time which when combined with the time already served will not exceed the period prescribed by statute for the sum of the maximum penalties for all such crimes.

(4) Any person who was discharged after completion of his term or was released on parole before May 13, 1943, is not subject to the periods of rehabilitation set forth in these rules.

Unless and until the period of rehabilitation, as stipulated herein, has passed, the petitioner shall be ineligible to file his petition for a certificate of rehabilitation with the court. Any certificate of rehabilitation which is issued and under which the petitioner has not fulfilled the requirements of this chapter shall be void.

A change of residence does not interrupt the period of rehabilitation prescribed by this section if the second notice of intention required by Section 4852.02 of this code is filed.

CHAPTER 343

An act to amend Section 1381 of the Penal Code, relating to trial of criminal cases.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 1381 of the Penal Code is amended to read:

1381. Whenever a defendant has been convicted, in any court of this state, of the commission of a felony or misdemeanor and has been sentenced to and has entered upon a term of imprisonment in a state prison or has been sentenced to and has entered upon a term of imprisonment in a county jail for a period of more than 90 days or has been committed to and placed in a county jail for more than 90 days as a condition of probation or has been committed to and placed in an institution subject to the jurisdiction of the Department of the Youth Authority or whenever any person has been committed to the custody of the Director of Corrections pursuant to Chapter 1 (commencing with Section 3000) of Division 3 of the Welfare and Institutions Code and has entered upon his term of commitment, and at the time of the entry upon such term of imprisonment or commitment there is pending, in any court of this state, any other indictment, information, or complaint charging such person with the commission of any crime it is hereby made mandatory upon the district attorney of the county in which such charge is pending to bring the same to trial within 90 days after such person shall have delivered to said district attorney written notice of the place of his imprisonment or commitment and his desire to be brought to trial upon said charge unless a continuance beyond said 90 days is requested or consented to by such person, in open court, and such request or consent entered upon the minutes of the court in which event the 90-day period herein provided for shall commence to run anew from the date to which such consent or request continued the trial. In the event such action is not brought to trial within the 90 days

as herein provided the court in which such charge is pending must, on motion or suggestion of the district attorney, or of the defendant or person confined in the county jail or committed to the custody of the Director of Corrections or his counsel, or of the State Department of Corrections, or of the Department of the Youth Authority, or on its own motion, dismiss such charge. If a charge is filed against a person during the time such person is serving a sentence in any state prison or county jail of this state or while detained by the Director of Corrections pursuant to Chapter 1 of Division 3 or while detained in any institution subject to the jurisdiction of the Department of the Youth Authority it is hereby made mandatory upon the district attorney of the county in which such charge is filed to bring the same to trial within 90 days after said person shall have delivered to said district attorney written notice of the place of his imprisonment or commitment and his desire to be brought to trial upon said charge, unless a continuance is requested or consented to by such person, in open court, and such request or consent entered upon the minutes of the court, in which event the 90-day period herein provided for shall commence to run anew from the date to which such request or consent continued the trial. In the event such action is not brought to trial within the 90 days as herein provided the court in which such action is pending must, on motion or suggestion of the district attorney, or of the defendant or person committed to the custody of the Director of Corrections or to a county jail or his counsel, or of the State Department of Corrections, or of the Department of the Youth Authority, or on its own motion, dismiss such charge. The sheriff, custodian or jailer shall endorse upon the written notice of defendant's desire to be brought to trial the cause of commitment, the date of commitment and the date of release.

CHAPTER 344

An act to amend Section 827 of the Welfare and Institutions Code, relating to juvenile court records.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 827 of the Welfare and Institutions Code is amended to read:

827. A petition filed in any juvenile court proceeding, reports of the probation officer, and all other documents filed in any such case may be inspected only by court personnel, the minor who is the subject of the proceeding, his parents or guardian, and the attorneys for such parties, and such other persons as may be designated by court order of the judge of the juvenile court upon filing a petition therefor.

CHAPTER 345

An act to amend Section 718 of the Probate Code, relating to reference of disputed claims in probate.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 718 of the Probate Code is amended to read:

718. If the executor or administrator doubts the correctness of any claim filed or presented, or if the claim has been rejected in whole or in part, or if the claim may, at the option of the claimant, be deemed rejected, as provided in Section 712, such executor or administrator may do the following:

(1) Enter into an agreement in writing with the claimant to refer the matter in controversy to some disinterested person, to be approved by the court or a judge thereof, which agreement and approval shall be filed with the clerk, who shall thereupon enter an order referring the matter in controversy to the person so selected; or if the parties consent, a reference may be had in the court. The referee must hear and determine the matter, and make his report thereon to the court. The same proceedings shall be had in all respects, and the referee shall have the same powers, be entitled to the same compensation and subject to the same control, as in other cases of reference. The court may remove the referee, appoint another in his place, set aside or confirm his report, and adjudge costs, as in actions against executors or administrators, and the judgment of the court thereon shall be as valid and effectual, in all respects, as if the same had been rendered in a suit commenced by ordinary process; but the report of the referee, if confirmed, merely establishes or rejects the claim, the same as if it had been allowed or rejected by the executor or administrator and judge; or

(2) Enter into an agreement in writing with the claimant to refer the matter in controversy to a commissioner or referee who is regularly attached to the court and designated in the agreement or to a judge pro tempore designated in the agreement. The agreement shall be filed with the clerk, who shall thereupon with the approval of the court, enter an order referring the matter to the designated person. The commissioner or referee shall have the powers of a judge pro tempore. The designated person shall proceed promptly to hear and determine the matter in controversy by summary procedure, without pleadings, discovery or jury trial. He shall make and file a decision in writing in which the facts found and conclusions of law must be separately stated, and cause a copy thereof to be mailed promptly to the parties. Judgment shall be entered

on the decision and shall be as valid and effective as if it had been rendered by a judge of the court in a suit against the executor or administrator commenced by ordinary process. In lieu of such agreement and reference, a judge sitting in probate, pursuant to written agreement of the executor or administrator and the claimant and the judge's consent, filed with the clerk, may hear and determine the matter in controversy pursuant to the procedure provided in this paragraph (2). The agreement and judge's consent shall be filed with the clerk within the time specified in Section 714 for bringing an independent suit.

CHAPTER 346

An act to amend Section 11102 of the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 11102 of the Welfare and Institutions Code is amended to read:

11102. County residence is not a qualification for aid under any public assistance program.

County responsibility for making aid payments is determined as follows:

(a) The county where the applicant lives shall accept the application and shall be responsible for paying the aid.

(b) Responsibility for payment of aid to any person qualifying for and receiving aid from any county, who removes to another county in this state to make his home, shall be transferred to the second county as soon as administratively possible, but not later than the first day of the month following 60 days after notification to the second county.

For purposes of public assistance the county in which an applicant or recipient lives is:

(1) For a patient in a state hospital or institution, the county from which he was admitted.

(2) For a person who has had to leave the county in which he normally lives, solely for the purpose of securing care not otherwise available to him in a medical facility, the county in which he last maintained a living arrangement outside a medical facility.

(3) For a person who has been released on leave of absence from a state hospital, for a period not to exceed three years from the date of such release, the county from which he was admitted to the hospital.

CHAPTER 347

An act to amend Sections 12640.02, 12640.04, 12640.05, 12640.09, and 12640.10 of, and to repeal Section 12640.095 of, the Insurance Code, relating to mortgage guaranty insurance.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 12640.02 of the Insurance Code is amended to read:

12640.02. The definitions set forth in this article shall govern the construction of the terms used in this chapter but shall not affect any other provisions of this code.

(a) "Mortgage guaranty insurance" means:

(1) Insurance against financial loss by reason of nonpayment of principal, interest and other sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by a mortgage, deed of trust, or other instrument constituting a lien or charge on real estate, provided the improvement on such real estate is a residential building or buildings designed for occupancy by not more than four families.

(2) Insurance against financial loss by reason of nonpayment of principal, interest and other sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by a mortgage, deed of trust, or other instrument constituting a lien or charge on real estate, provided the improvement on such real estate is a building or buildings designed for occupancy by five or more families or designed to be occupied for industrial or commercial purposes.

(3) Insurance against financial loss by reason of nonpayment of rent and other sums agreed to be paid under the terms of a written lease for the possession, use or occupancy of real estate, provided the improvement on such real estate is a building or buildings designed to be occupied for industrial or commercial purposes.

(b) "Authorized real estate security" for the purposes of paragraphs (1) and (2) of subdivision (a) of this section means an amortized note, bond or other evidence of indebtedness, not exceeding ninety (90) percent of the fair market value of the real estate, secured by a mortgage, deed of trust, or other instrument constituting a first lien or charge on real estate; provided:

(1) The real estate loan secured in such manner is one which a bank, savings and loan association, or an insurance company, which is supervised and regulated by a department of this state or an agency of the federal government, is authorized to make.

(2) The improvement on such real estate is a building or buildings designed for occupancy as specified by paragraphs (1) and (2) of subdivision (a) of this section.

(3) The lien on such real estate may be subject and subordinate to the following:

(i) The lien of any public bond, assessment, or tax, when no installment, call or payment of or under such bond, assessment or tax is delinquent.

(ii) Outstanding mineral, oil or timber rights, rights-of-way, easements or rights-of-way or support, sewer rights, building restrictions or other restrictions or covenants, conditions or regulations of use, or outstanding leases upon such real property under which rents or profits are reserved to the owner thereof.

(c) "Contingency reserve" means an additional premium reserve established for the protection of policyholders against the effect of adverse economic cycles.

(d) "Policyholders surplus" means the aggregate of capital, surplus and contingency reserve.

SEC. 2. Section 12640.04 of the Insurance Code is amended to read:

12640.04. In addition to the paid-in capital and surplus provided in Section 12640.03, each mortgage guaranty insurer shall establish a contingency reserve out of net premiums remaining (gross premiums less premiums returned to policyholders) after establishment of the unearned premium reserve. To the contingency reserve the insurer shall contribute an amount equal to fifty (50) percent of such remaining premiums. The yearly contributions to the contingency reserve made during each calendar year shall be maintained for a period of 120 months, except that withdrawals may be made by the insurer in any given year in which the actual losses exceed the expected losses. The commissioner shall, by regulation, determine when an insurer may make withdrawals from its contingency reserve.

SEC. 3. Section 12640.05 of the Insurance Code is amended to read:

12640.05. A mortgage guaranty insurer shall not at any time have outstanding a total liability under its aggregate insurance policies exceeding 25 times its policyholders surplus, such liability to be computed on the basis of the insurer's liability under its election as provided in Section 12640.09 and such liability for leases to be computed on the basis of the insurer's liability as determined by the commissioner. In the event that any insurer has outstanding total liability exceeding 25 times its policyholders surplus, it shall cease transacting new business until such time as its total liability no longer exceeds 25 times its policyholders surplus.

SEC. 4. Section 12640.09 of the Insurance Code is amended to read:

12640.09. A mortgage guaranty insurer shall limit its coverage for the class of insurance defined in paragraphs (1) and

(2) of subdivision (a) of Section 12640.02 to a maximum of twenty (20) percent of the entire indebtedness to the insured, or in lieu thereof, a mortgage guaranty insurer may elect to pay the entire indebtedness to the insured and acquire title to the authorized real estate security.

SEC. 5. Section 12640.095 of the Insurance Code is repealed.

SEC. 6. Section 12640.10 of the Insurance Code is amended to read:

12640.10. (a) A mortage guaranty insurance insurer which anywhere transacts any class of insurance other than mortgage guaranty insurance is not eligible for the issuance of a certificate of authority to transact mortgage guaranty insurance in this state nor for the renewal thereof.

(b) A mortgage guaranty insurer which anywhere transacts the classes of insurance defined in paragraphs (2) and (3) of subdivision (a) of Section 12640.02 is not eligible for the issuance of a certificate of authority to transact in this state the class of mortgage guaranty insurance defined in paragraph (1) of subdivision (a) of Section 12640.02.

CHAPTER 348

An act to amend Section 2725 of the Business and Professions Code, relating to the practice of nursing.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 2725 of the Business and Professions Code is amended to read:

2725. The practice of nursing within the meaning of this chapter is the performing of professional services requiring technical skills and specific knowledge based on the principles of scientific medicine, such as are acquired by means of a prescribed course in an accredited school of nursing as defined herein, and practiced in conjunction with curative or preventive medicine as prescribed by a licensed physician and the application of such nursing procedures as involve understanding cause and effect in order to safeguard life and health of a patient and others.

A professional nurse, within the meaning of this chapter, is a person who has met all the legal requirements for licensing as a registered nurse in the state, and who is so licensed, and who for compensation or personal profit engages in nursing as the same is hereinabove defined.

CHAPTER 349

An act to add Section 14635 to the Elections Code, relating to absentee ballots.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 14635 is added to the Elections Code, to read:

14635. Each ballot which is delivered pursuant to this chapter shall be accompanied by a ballot pamphlet of the kind the voter would have received at the address on his affidavit of registration. If a voter receives a ballot pamphlet pursuant to this section, it is not necessary to send another copy of that pamphlet to him.

CHAPTER 350

An act to add Section 25503.9 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 25503.9 is added to the Business and Professions Code, to read:

25503.9. Nothing in this division prohibits a winegrower from giving, or selling, or giving and selling wine and a beer manufacturer from giving or selling, or giving and selling beer at prices other than those contained in schedules filed with the department to:

(a) A nonprofit charitable corporation or association exempt from payment of income taxes under the provisions of the Internal Revenue Code of 1954 of the United States.

(b) A nonprofit incorporated trade association which is exempt from payment of income taxes under the provisions of the Internal Revenue Code of 1954 of the United States, the members of which trade association are licensed under this division, provided, however, that such wine and beer shall be used solely for a convention or meeting of such nonprofit incorporated trade association.

CHAPTER 351

An act to amend Section 7538 of the Public Utilities Code, relating to railroad crossings.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 7538 of the Public Utilities Code is amended to read:

7538. At every farm or private grade crossing of a railroad where no automatic grade crossing protective device is in place there shall be installed, as a means of protecting the crossing, one or more stop signs of the type described in Section 21400 of the Vehicle Code or of such other design as the commission may prescribe unless, after a hearing, the commission shall find that the installation of such sign or signs at a particular crossing would create a hazard or dangerous condition that would not otherwise exist. At any grade crossing where stop signs are installed or in place, before traversing such crossing the driver of any vehicle shall stop such vehicle not less than 10 nor more than 50 feet from the nearest rail of the track and while so stopped shall listen, and look in both directions along the track, for any approaching train or other equipment using such rails. The vehicle shall remain standing while any train or other equipment using such rails is approaching the crossing and is close enough to constitute a hazard. A driver of any vehicle who fails to keep his vehicle standing while any train or equipment using such rails is approaching the crossing and which is so close as to constitute a hazard is guilty of a misdemeanor.

CHAPTER 352

An act to amend Section 7314 of the Labor Code, relating to fees for the inspection of elevators.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 7314 of the Labor Code is amended to read:

7314. The division may fix and collect such fees for the inspection of elevators as it deems necessary, but the charge for the first inspection of each new elevator installation shall not exceed thirty-five dollars ($35) or twenty dollars ($20) for each inspection of existing elevators or subsequent inspections of new elevator installations. No charge shall be made in any one year for more than one inspection except where safety orders have not been complied with and subsequent inspections

are necessary. An additional fee not to exceed twenty dollars ($20) may, in the discretion of the division, be charged, for not more than one subsequent inspection annually.

CHAPTER 353

An act to amend Section 7681 of the Labor Code, relating to inspection of tanks.

[Approved by Governor June 20, 1968. Filed with Secretary of State June 20, 1968.]

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

SECTION 1. Section 7681 of the Labor Code is amended to read:

7681. The division shall inspect or cause to be inspected each installed tank at least every five years.

CHAPTER 354

An act to amend Section 104.6 of the Streets and Highways Code, relating to the State Highway Fund and disposition of rent, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 104.6 of the Streets and Highways Code is amended to read:

104.6. The authority conferred by this code to acquire real property for state highway purposes includes authority to acquire for future needs. The department is authorized to lease any lands which are held for state highway purposes and are not presently needed therefor on such terms and conditions as the director may fix and to maintain and care for such property in order to secure rent therefrom. Twenty-four percent of all rent so received shall be deposited in the Highway Properties Rental Fund in the State Treasury, which fund is hereby created, except that any rent required under the California Toll Bridge Authority Act or any bond indenture executed under said act to be deposited in some other fund shall be deposited in such other fund. The balance of such rent shall be deposited in the State Highway Fund.

Whenever it is determined by the Department of Public Works that any rental revenue collected under the provisions of this section represents overpayment or payment in dupli-

cate, that department may make refund of such overpayment or payment in duplicate from the Highways Properties Rental Fund and the State Highway Fund.

SEC. 2. Twenty-four percent of the rentals received by the Department of Public Works on property acquired for the National System of Interstate Highways for the 1967–1968 fiscal year shall be deposited in the Highway Properties Rental Fund.

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:

On January 26, 1968 the United States Bureau of Public Roads rendered an interpretation that the federal government could participate in the payment into the Highway Properties Rental Fund of 24 percent of rent received on interstate highway projects. This legislation is necessary in order for 24 percent of the current fiscal year rentals on interstate highways to be deposited in the Highway Properties Rental Fund for distribution to each revenue district in accordance with Streets and Highways Code Section 104.10.

CHAPTER 355

An act to amend Section 197 of the Education Code, relating to higher education.

[Approved by Governor June 25, 1968 Filed with Secretary of State June 25, 1968]

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

SECTION 1. Section 197 of the Education Code is amended to read:

197. The Board of Governors of the California Community Colleges shall succeed to the duties, powers, purposes, responsibilities, and jurisdiction heretofore vested in the State Board of Education, Superintendent of Public Instruction, the Department of Education, and the Director of Education with respect to the management, administration, and control of the junior colleges. Whenever in any law relating to the management, administration and control of the junior colleges reference is made to the State Board of Education, Superintendent of Public Instruction, the Department of Education, or the Director of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

CHAPTER 356

An act to amend Sections 1300, 1500, 1501, 1604, and 1614 of, to amend and renumber Sections 1502, 1504, 1506, 1507, 1508, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1520, 1521, 1522, 1524, 1525, 1526, and 1527 of, to amend the heading of Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of, to add Sections 1503, 1504, 1505, and 1506 to, to add a new article heading immediately preceding Section 1500 of, to add Article 2 (commencing with Section 1510) to Chapter 7 of Title 10 of Part 3 of, to add Sections 1514, 1515, and 1517 to, to add a new article heading immediately preceding Section 1510 (renumbered Section 1530 by this act) of, to add Section 1533 to, to add Article 4 (commencing with Section 1540) to Chapter 7 of Title 10 of Part 3 of, to add Section 1542 to, to add a new article heading immediately preceding Section 1513 (renumbered Section 1560 by this act) of, to add Sections 1561 and 1566 to, to add a new article heading immediately preceding Section 1515 (renumbered Section 1570 by this act) of, to add Sections 1572, 1573, 1574, and 1575 to, to add a new article heading immediately preceding Section 1525 (renumbered Section 1580 by this act) of, to add Section 1581 to, and to repeal Sections 1503, 1505, 1509, 1518, 1519, and 1523 of, the Code of Civil Procedure, relating to unclaimed property.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 1300 of the Code of Civil Procedure is amended to read:

1300. For the purposes of this title, the following definitions shall apply:

(a) "Property," unless specifically qualified, includes all classes of property, real, personal and mixed.

(b) "Unclaimed property," unless specifically qualified, means all property (1) which is unclaimed, abandoned, escheated, permanently escheated, or distributed to the state, or (2) which, under any provision of law, will become unclaimed, abandoned, escheated, permanently escheated, or distributed to the state, or (3) to the possession of which the state is or will become entitled, if not claimed by the person or persons entitled thereto within the time allowed by law, whether or not there has been a judicial determination that such property is unclaimed, abandoned, escheated, permanently escheated, or distributed to the state.

(c) "Escheat," unless specifically qualified, means the vesting in the state of title to property the whereabouts of whose owner is unknown or whose owner is unknown or which a known owner has refused to accept, whether by judicial deter-

mination or by operation of law, subject to the right of claimants to appear and claim the escheated property or any portion thereof. When used in reference to the law of another state, "escheat" includes the transfer to the state of the right to the custody of such property.

(d) "Permanent escheat" means the absolute vesting in the state of title to property the whereabouts of whose owner is unknown or whose owner is unknown or which a known owner has refused to accept, pursuant to judicial determination, pursuant to a proceeding of escheat as provided by Chapter 5 (commencing with Section 1410) of this title, or pursuant to operation of law, and the barring of all claims to the property by the former owner thereof or his successors.

(e) "Controller" means the State Controller.

(f) "Treasurer" means the State Treasurer.

(g) "Domicile," in the case of a corporation, refers to the place where the corporation is incorporated.

SEC. 2. The heading of Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure is amended to read:

CHAPTER 7. UNCLAIMED PROPERTY LAW

SEC. 3. A new article heading is added immediately preceding Section 1500 of the Code of Civil Procedure, to read:

Article 1. Short Title; Definitions; Application

SEC. 4. Section 1500 of the Code of Civil Procedure is amended to read:

1500. This chapter may be cited as the Unclaimed Property Law.

SEC. 5. Section 1501 of the Code of Civil Procedure is amended to read:

1501. As used in this chapter, unless the context otherwise requires:

(a) "Apparent owner" means the person who appears from the records of the holder to be entitled to property held by the holder.

(b) "Banking organization" means any national or state bank, trust company, banking company, land bank, savings bank, safe deposit company, private banker, or any similar organization.

(c) "Business association" means any private corporation, joint stock company, business trust, partnership, or any association for business purposes of two or more individuals, whether or not for profit, including, but not by way of limitation, a banking organization, financial organization, life insurance corporation, and utility.

(d) "Financial organization" means any federal or state savings and loan association, building and loan association, credit union, investment company, or any similar organization.

(e) "Government or governmental subdivision or agency" does not include the United States government or any officer, department, or agency thereof.

(f) "Holder" means any person in possession of property subject to this chapter belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to this chapter.

(g) "Life insurance corporation" means any association or corporation transacting the business of insurance on the lives of persons or insurance appertaining thereto, including, but not by way of limitation, endowments and annuities.

(h) "Owner" means a depositor in case of a deposit, a beneficiary in case of a trust, or creditor, claimant, or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to this chapter, or his legal representative.

(i) "Person" means any individual, business association, government or governmental subdivision or agency, two or more persons having a joint or common interest, or any other legal or commercial entity, whether such person is acting in his own right or in a representative or fiduciary capacity.

(j) "Utility" means any person who owns or operates, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas, whose rates are regulated by the Public Utilities Commission of this state or by a similar public agency of another state or of the United States.

SEC. 6. Section 1526 of the Code of Civil Procedure is amended and renumbered to read:

1502. (a) This chapter does not apply to:

(1) Any property in the official custody of a municipal utility district.

(2) Any property in the official custody of a local agency if such property may be transferred to the General Fund of such agency under the provisions of Sections 50050–50053 of the Government Code.

(3) Any instrument issued in a foreign country.

(4) Any funds held only in a foreign country.

(b) Except for sums payable on telegraphic money orders, this chapter does not apply to any property held by a utility which is of a type that the Public Utilities Commission of this state or a similar public agency of another state or of the United States directly or indirectly takes into consideration for the benefit of the ratepayers in determining the rates to be charged by the utility.

(c) None of the provisions of this chapter applies to any type of property received by the state under the provisions of Chapter 1 (commencing with Section 1300) to Chapter 6 (commencing with Section 1440), inclusive, of this title.

SEC. 7. Section 1503 is added to the Code of Civil Procedure, to read:

1503. (a) As used in this section:

(1) "Old act" means this chapter as it existed prior to January 1, 1969.

(2) "New act" means this chapter as it exists on and after January 1, 1969.

(3) "Property not subject to the old act" means property that was not presumed abandoned under the old act and would never have been presumed abandoned under the old act had the old act continued in existence on and after January 1, 1969, without change.

(b) The holder is not required to file a report concerning, or to pay or deliver to the State Controller, any property not subject to the old act if an action by the owner against the holder to recover such property was barred by an applicable statute of limitations prior to January 1, 1969.

(c) The holder is not required to file a report concerning, or to pay or deliver to the State Controller, any property not subject to the old act, or any property that was not required to be reported under the old act, unless on January 1, 1969, such property has been held by the holder for less than the escheat period. "Escheat period" means the six-month or seven-year or fifteen-year period referred to in Sections 1513 to 1520, inclusive, of the new act, whichever is applicable to the particular property.

SEC. 8. Section 1504 is added to the Code of Civil Procedure, to read:

1504. (a) As used in this section:

(1) "Old act" means this chapter as it existed prior to January 1, 1969.

(2) "New act" means this chapter as it exists on and after January 1, 1969.

(3) "Property not subject to the old act" means property that was not presumed abandoned under the old act and would never have been presumed abandoned under the old act had the old act continued in existence on and after January 1, 1969, without change.

(b) This chapter does not apply to any property that was escheated under the laws of another state prior to September 18, 1959.

(c) This chapter does not require the holder to pay or deliver any property not subject to the old act to this state if the property was escheated under the laws of another state prior to January 1, 1969, and was delivered to the custody of that state prior to January 1, 1970, in compliance with the laws of that state. Nothing in this subdivision affects or limits the right of the State Controller to recover such property from the other state.

SEC. 9. Section 1505 is added to the Code of Civil Procedure, to read:

1505. This chapter does not affect any duty to file a report with the State Controller or to pay or deliver any property to him that arose prior to January 1, 1969, under the provisions of this chapter as it existed prior to January 1, 1969. Such duties may be enforced by the State Controller, and the penalties for failure to perform such duties may be imposed, under the provisions of this chapter as it existed prior to January 1, 1969. The provisions of this chapter as it existed prior to January 1, 1969, are continued in existence for the purposes of this section.

SEC. 10. Section 1506 is added to the Code of Civil Procedure, to read:

1506 The provisions of this chapter as it exists on and after January 1, 1969, insofar as they are substantially the same as the provisions of this chapter as it existed prior to January 1, 1969, relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

SEC. 11. Article 2 (commencing with Section 1510) is added to Chapter 7 of Title 10 of Part 3 of the Code of Civil Procedure, to read:

Article 2. Escheat of Unclaimed Personal Property

1510. Unless otherwise provided by statute of this state, intangible personal property escheats to this state under this chapter if the conditions for escheat stated in Sections 1513 through 1520 exist, and if:

(a) The last known address, as shown on the records of the holder, of the apparent owner is in this state.

(b) No address of the apparent owner appears on the records of the holder and:

(1) The last known address of the apparent owner is in this state; or

(2) The holder is domiciled in this state and has not previously paid the property to the state of the last known address of the apparent owner; or

(3) The holder is a government or governmental subdivision or agency of this state and has not previously paid the property to the state of the last known address of the apparent owner.

(c) The last known address, as shown on the records of the holder, of the apparent owner is in a state designated by regulation adopted by the State Controller as a state that does not provide by law for the escheat of such property and the holder is (1) domiciled in this state or (2) a government or governmental subdivision or agency of this state.

(d) The last known address, as shown on the records of the holder, of the apparent owner is in a foreign nation and the holder is (1) domiciled in this state or (2) a government or governmental subdivision or agency of this state.

1511. For the purposes of Section 1510, where the records of the holder do not show a last known address of the apparent owner of a travelers check or money order, it is presumed that the state in which the travelers check or money order was purchased is the state of the last known address of the apparent owner. This presumption is a presumption affecting the burden of proof.

SEC. 12. Section 1502 of the Code of Civil Procedure is amended and renumbered to read:

1513. Subject to Sections 1510 and 1511, the following property held or owing by a business association escheats to this state:

(a) Any demand, savings, or matured time deposit made with a banking organization, together with any interest or dividends thereon, excluding any reasonable service charges which may lawfully be withheld and which do not (where made in this state) exceed those set forth in schedules filed by the banking organization from time to time with the State Controller, when the owner, for more than 15 years, has not:

(1) Increased or decreased the amount of the deposit, or presented the passbook or other similar evidence of the deposit for the crediting of interest; or

(2) Corresponded in writing with the banking organization concerning the deposit; or

(3) Otherwise indicated an interest in the deposit as evidenced by a memorandum or other record on file with the banking organization.

(b) Any funds paid toward the purchase of shares or other interest in a financial organization or any deposit made therewith, and any interest or dividends thereon, excluding any reasonable service charges which may lawfully be withheld and which do not (where paid or made in this state) exceed those set forth in schedules filed by the financial organization from time to time with the State Controller, when the owner, for more than 15 years, has not:

(1) Increased or decreased the amount of the funds or deposit, or presented an appropriate record for the crediting of interest or dividends; or

(2) Corresponded in writing with the financial organization concerning the funds or deposit; or

(3) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum or other record on file with the financial organization.

(c) Any sum payable on a travelers check issued by a business association that has been outstanding for more than 15 years from the date of its issuance, when the owner, for more than 15 years, has not corresponded in writing with the business association concerning it, or otherwise indicated an interest as evidenced by a memorandum or other record on file with such association.

(d) Any sum payable on any other written instrument on which a banking or financial organization is directly liable,

including, by way of illustration but not of limitation, any draft, certified check, or money order, that has been outstanding for more than seven years from the date it was payable, or from the date of its issuance if payable on demand, excluding any charges that may lawfully be withheld, when the owner, for more than seven years, has not corresponded in writing with the banking or financial organization concerning it, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the banking or financial organization.

(e) Any sum payable on a money order issued by a business association (other than a banking or financial organization) that has been outstanding for more than seven years from the date it was payable, or from the date of its issuance if payable on demand, excluding any charges that may lawfully be withheld, when the owner, for more than seven years, has not corresponded in writing with the business association concerning it, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the business association.

SEC. 13. Section 1514 is added to the Code of Civil Procedure, to read:

1514. The contents of any safe deposit box or any other safekeeping repository, held in this state by a business association, escheat to this state if unclaimed by the owner for more than seven years from the date on which the lease or rental period on the box or other repository expired.

SEC. 14. Section 1503 of the Code of Civil Procedure is repealed.

SEC. 15. Section 1515 is added to the Code of Civil Procedure, to read:

1515. (a) Subject to Section 1510, funds held or owing by a life insurance corporation under any life or endowment insurance policy or annuity contract which has matured or terminated escheat to this state if unclaimed and unpaid for more than seven years after the funds became due and payable as established from the records of the corporation.

(b) If a person other than the insured or annuitant is entitled to the funds and no address of such person is known to the corporation or if it is not definite and certain from the records of the corporation what person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of the corporation. This presumption is a presumption affecting the burden of proof.

(c) A life insurance policy not matured by actual proof of the death of the insured according to the records of the corporation is deemed to be matured and the proceeds due and payable if:

(1) The insured has attained, or would have attained if he were living, the limiting age under the mortality table on which the reserve is based;

(2) The policy was in force at the time the insured attained, or would have attained, the limiting age specified in paragraph (1); and

(3) Neither the insured nor any other person appearing to have an interest in the policy has, within the preceding seven years, according to the records of the corporation (i) assigned, readjusted, or paid premiums on the policy, (ii) subjected the policy to loan, or (iii) corresponded in writing with the life insurance corporation concerning the policy.

(d) Any funds otherwise payable according to the records of the corporation are deemed due and payable although the policy or contract has not been surrendered as required.

SEC. 16. Section 1504 of the Code of Civil Procedure is amended and renumbered to read:

1516. (a) Subject to Section 1510, any dividend, profit, distribution, interest, payment on principal, or other sum held or owing by a business association for or to its shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a cooperative, who has not claimed it, or corresponded in writing with the business association concerning it, within seven years after the date prescribed for payment or delivery, escheats to this state.

(b) Subject to Section 1510, any intangible interest in a business association, as evidenced by the stock records or membership records of the association, escheats to this state if (1) the interest in the association is owned by a person who for more than 20 years has neither claimed a dividend or other sum referred to in subdivision (a) nor corresponded in writing with the association or otherwise indicated an interest as evidenced by a memorandum or other record on file with the association, and (2) the association does not know the location of the owner at the end of such 20-year period. With respect to such interest, the business association shall be deemed the holder.

(c) Subject to Section 1510, any dividends or other distributions held for or owing to a person at the time the stock or other security to which they attach escheats to this state also escheat to this state as of the same time.

SEC. 17. Section 1505 of the Code of Civil Procedure is repealed.

SEC. 18. Section 1517 is added to the Code of Civil Procedure, to read:

1517. All property distributable in the course of a voluntary or involuntary dissolution or liquidation of a business association that is unclaimed by the owner within six months after the date of final distribution or liquidation escheats to this state. This section applies to all tangible personal property located in this state and, subject to Section 1510, to all intangible personal property.

SEC. 19. Section 1506 of the Code of Civil Procedure is amended and renumbered to read:

1518 (a) All tangible personal property located in this state and, subject to Section 1510, all intangible personal property, and the income or increment on such tangible or intangible property, held in a fiduciary capacity for the benefit of another person escheats to this state if the owner has not, within seven years after it becomes payable or distributable, increased or decreased the principal, accepted payment of principal or income, corresponded in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the fiduciary.

(b) For the purpose of this section, when a person holds property as an agent for a business association, he is deemed to hold such property in a fiduciary capacity for the business association alone, unless the agreement between him and the business association clearly provides the contrary. For the purposes of this chapter, if a person holds property in a fiduciary capacity for a business association alone, he is the holder of the property only insofar as the interest of the business association in such property is concerned and the association is deemed to be the holder of the property insofar as the interest of any other person in the property is concerned.

SEC. 20. Section 1507 of the Code of Civil Procedure is amended and renumbered to read:

1519. All tangible personal property located in this state, and, subject to Section 1510, all intangible personal property, held for the owner by any government or governmental subdivision or agency, that has remained unclaimed by the owner for more than seven years escheats to this state.

SEC. 21. Section 1508 of the Code of Civil Procedure is amended and renumbered to read:

1520. All tangible personal property located in this state and, subject to Section 1510, all intangible personal property, except property of the classes mentioned in Sections 1513, 1514, 1515, 1516, 1517, 1518, and 1519, including any income or increment thereon and deducting any lawful charges, that is held or owing in the ordinary course of the holder's business and has remained unclaimed by the owner for more than seven years after it became payable or distributable escheats to this state.

SEC. 22. Section 1509 of the Code of Civil Procedure is repealed.

SEC. 23. A new article heading is added immediately preceding Section 1510 of the Code of Civil Procedure, which section is renumbered as Section 1530 by this act, such new article heading to read:

Article 3. Identification of Escheated Property

SEC. 24. Section 1510 of the Code of Civil Procedure is amended and renumbered to read:

1530. (a) Every person holding funds or other property escheated to this state under this chapter shall report to the State Controller as provided in this section.

(b) The report shall be on a form prescribed or approved by the Controller and shall include:

(1) Except with respect to travelers checks and money orders, the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of value of twenty-five dollars ($25) or more escheated under this chapter.

(2) In case of escheated funds of life insurance corporations, the full name of the insured or annuitant, and his last known address, according to the life insurance corporation's records;

(3) In the case of the contents of a safe deposit box or other safekeeping repository or in the case of other tangible property, a description of such property and the place where it is held and may be inspected by the State Controller. The report shall set forth any amounts owing to the holder for unpaid rent or storage charges and for the cost of opening the safe deposit box or other safekeeping repository, if any, in which the property was contained.

(4) The nature and identifying number, if any, or description of any intangible property and the amount appearing from the records to be due, except that items of value under twenty-five dollars ($25) each may be reported in aggregate.

(5) Except for any property reported in the aggregate, the date when the property became payable, demandable, or returnable, and the date of the last transaction with the owner with respect to the property.

(6) Other information which the State Controller prescribes by rule as necessary for the administration of this chapter.

(c) If the holder is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while holding the property, he shall file with his report all prior known names and addresses of each holder of the property.

(d) The report shall be filed before November 1st of each year as of June 30th or fiscal year-end next preceding, but the report of life insurance corporations shall be filed before May 1st of each year as of December 31st next preceding. The State Controller may postpone the reporting date upon his own motion or upon written request by any person required to file a report.

(e) The report, if made by an individual, shall be verified by the individual; if made by a partnership, by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer.

SEC. 25. Section 1511 of the Code of Civil Procedure is amended and renumbered to read:

1531. (a) Within 120 days from the final date for filing the reports required by Section 1530, the State Controller shall cause a notice to be published at least once each week for two successive weeks in an English language newspaper of general circulation in each county in this state in which is located:

(1) The last known address, as listed in the reports, of any person named in the reports as the apparent owner of property escheated to this state under this chapter; or

(2) If no address of any apparent owner named in the reports is listed, or if the address listed in the reports for any apparent owner named therein is outside this state, the principal place of business within this state of the holder of the escheated property.

(b) Each published notice shall be entitled "notice of names of persons appearing to be owners of unclaimed property," and shall contain the names in alphabetical order and last known addresses, if any, of:

(1) Those apparent owners listed in the reports as having a last known address within the county;

(2) Those apparent owners listed as having a last known address outside this state or as having no last known address in a report filed by a holder with his principal place of business within the county; and

(3) The insured or annuitant in the case of funds described in Section 1515 if:

(i) The report does not list the name of the apparent owner of the funds and his last known address; and

(ii) The last known address of the insured or annuitant is within the county.

(c) Each published notice shall also contain:

(1) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any persons possessing an interest in the property by addressing an inquiry to the State Controller.

(2) A statement that, if proof of claim is not presented by the owner to the holder and if the owner's right to receive the property is not established to the holder's satisfaction before a date specified in the notice (which shall be the date five months from the final date for filing the report), the property will be placed, not later than one month after such date, in the custody of the State Controller and all further claims must thereafter be directed to the State Controller.

(d) The State Controller is not required to publish in such notice any item of less than twenty-five dollars ($25) unless he deems such publication to be in the public interest.

(e) Within 120 days from the final date for filing the report required by Section 1530, the State Controller shall mail a notice to each person having an address listed therein who ap-

pears to be entitled to property of the value of twenty-five dollars ($25) or more escheated under this chapter.

(f) The mailed notice shall contain:

(1) A statement that, according to a report filed with the State Controller, property is being held to which the addressee appears entitled.

(2) The name and address of the person holding the property and any necessary information regarding changes of name and address of the holder.

(3) A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, the property will be placed in the custody of the State Controller and all further claims must be directed to the State Controller.

(g) This section is not applicable to sums payable on travelers checks or money orders that escheat under Section 1513.

SEC. 26. Section 1512 of the Code of Civil Procedure is amended and renumbered to read:

1532. (a) Except as otherwise provided in subdivisions (b) and (c), every person who has filed a report as provided by Section 1530 shall, within six months from the final date for filing reports as required by Section 1530, pay or deliver to the State Controller all escheated property specified in the report.

(b) If any person establishes his right to receive any property specified in the report to the satisfaction of the holder before such property has been delivered to the State Controller, or if it appears that for some other reason the property is not subject to escheat under this chapter, the holder need not pay or deliver the property to the State Controller, but in lieu thereof shall file with the State Controller a written explanation of the proof of claim or of the reason the property is not subject to escheat.

(c) In the case of sums payable on travelers checks or money orders escheated under Section 1513, such sums shall be paid to the State Controller not later than 20 days after the final date for filing the report.

(d) The holder of any interest under subdivision (b) of Section 1516 shall deliver a duplicate certificate to the State Controller. Upon delivery of a duplicate certificate to the State Controller, the holder and any transfer agent, registrar or other person acting for or on behalf of the holder in executing or delivering such duplicate certificate shall be relieved from all liability of every kind to any person including, but not limited to, any person acquiring the original certificate or the duplicate of such certificate issued to the State Controller for any losses or damages resulting to such person by the issuance and delivery to the State Controller of such duplicate certificate.

(e) Payment of any intangible property to the State Controller shall be made at the office of the State Controller in

Sacramento or at such other location as the State Controller by regulation may designate. Except as otherwise agreed by the State Controller and the holder, tangible personal property shall be delivered to the State Controller at the place where it is held.

SEC. 27. Section 1533 is added to the Code of Civil Procedure, to read:

1533. Tangible personal property may be excluded from the notices required by Section 1531, shall not be delivered to the State Controller, and shall not escheat to the state, if the State Controller, in his discretion, determines that it is not in the interest of the state to take custody of the property and notifies the holder in writing, within 120 days from receipt of the report required by Section 1530, of his determination not to take custody of the property.

SEC. 28. Article 4 (commencing with Section 1540) is added to Chapter 7 of Title 10 of Part 3 of the Code of Civil Procedure, to read:

Article 4. Payment of Claims

1540. (a) Any person, excluding another state, who claims an interest in property paid or delivered to the State Controller under this chapter may file a claim to the property or to the net proceeds from its sale. The claim shall be on a form prescribed by the State Controller and shall be verified by the claimant.

(b) The State Controller shall consider each claim within 90 days after it is filed. He may hold a hearing and receive evidence. He shall give written notice to the claimant if he denies the claim in whole or in part. Such notice may be given by mailing it to the address, if any, stated in the claim as the address to which notices are to be sent. If no such address is stated in the claim, the notice may be mailed to the address, if any, of the claimant as stated in the claim. No notice of denial need be given if the claim fails to state either an address to which notices are to be sent or an address of the claimant.

(c) Except as otherwise provided in Section 1560, the State Controller shall deduct from the amount of any claim allowed under this section 1 percent of the total amount of the claim, but in no event less than ten dollars ($10), for each individual share claimed, as a service charge for receiving, accounting for, and managing the money or other property claimed and for processing the claim to recover it.

SEC. 29. Section 1518 of the Code of Civil Procedure is repealed.

SEC. 30. Section 1519 of the Code of Civil Procedure is repealed.

SEC. 31. Section 1520 of the Code of Civil Procedure is amended and renumbered to read:

1541. Any person aggrieved by a decision of the State Controller or as to whose claim the Controller has failed to make a

decision within 90 days after the filing of the claim, may commence an action, naming the State Controller as a defendant, to establish his claim in the superior court in any county or city and county in which the Attorney General has an office. The action shall be brought within 90 days after the decision of the State Controller or within 180 days from the filing of the claim if the State Controller fails to make a decision. The summons and a copy of the complaint shall be served upon the State Controller and the Attorney General and the State Controller shall have 60 days within which to respond by answer. The action shall be tried without a jury. If judgment is awarded in favor of the plaintiff, the State Controller shall make payment subject to any charges provided by subdivision (c) of Section 1540.

SEC. 32. Section 1542 is added to the Code of Civil Procedure, to read:

1542. (a) At any time after property has been paid or delivered to the State Controller under this chapter, another state is entitled to recover the property if:

(1) The property escheated to this state under subdivision (b) of Section 1510 because no address of the apparent owner of the property appeared on the records of the holder when the property was escheated under this chapter, the last known address of the apparent owner was in fact in such other state, and, under the laws of that state, the property escheated to that state;

(2) The last known address of the apparent owner of the property appearing on the records of the holder is in such other state and, under the laws of that state, the property has escheated to that state;

(3) The property is the sum payable on a travelers check or money order that escheated to this state by application of the presumption provided by Section 1511, the last known address of the apparent owner was in fact in such other state, and, under the laws of that state, the property escheated to that state; or

(4) The property is funds held or owing by a life insurance corporation that escheated to this state by application of the presumption provided by subdivision (b) of Section 1515, the last known address of the person entitled to the funds was in fact in such other state, and, under the laws of that state, the property escheated to that state.

(b) The claim of another state to recover escheated property under this section shall be presented in writing to the State Controller, who shall consider the claim within 90 days after it is presented. He may hold a hearing and receive evidence. He shall allow the claim if he determines that the other state is entitled to the escheated property. A claim allowed under this section is subject to the charge specified by subdivision (c) of Section 1540.

SEC. 33. A new article heading is added immediately preceding Section 1513 of the Code of Civil Procedure, which sec-

tion is renumbered as Section 1560 by this act, such new article heading to read:

Article 5. Administration of Unclaimed Property

SEC. 34. Section 1513 of the Code of Civil Procedure is amended and renumbered to read:

1560. (a) Upon the payment or delivery of escheated property to the State Controller, the state shall assume custody and shall be responsible for the safekeeping of the property. Any person who pays or delivers escheated property to the State Controller under this chapter is relieved of all liability to the extent of the value of the property so paid or delivered for any claim which then exists or which thereafter may arise or be made in respect to the property. Property removed from a safe deposit box or other safekeeping repository shall be received by the State Controller subject to any valid lien of the holder for rent and other charges, such rent and other charges to be paid out of the proceeds remaining after the State Controller has deducted therefrom his selling cost.

(b) Any holder who has paid moneys to the State Controller pursuant to this chapter may make payment to any person appearing to such holder to be entitled thereto, and upon filing proof of such payment and proof that the payee was entitled thereto, the State Controller shall forthwith reimburse the holder for the payment without deduction of any fee or other charges. Where reimbursement is sought for a payment made on a negotiable instrument (including a travelers check or money order), the holder shall be reimbursed under this subdivision upon filing proof that the instrument was duly presented to him and that payment was made thereon to a person who appeared to the holder to be entitled to payment.

(c) The holder shall be reimbursed under this section even if he made the payment to a person whose claim against him was barred because of the expiration of any such period of time as those described in Section 1570.

(d) Any holder who has delivered personal property, including a certificate of any interest in a business association, to the State Controller pursuant to this chapter may reclaim such personal property if still in the possession of the State Controller without payment of any fee or other charges upon filing proof that the owner thereof has claimed such personal property from such holder. The State Controller may, in his discretion, accept an affidavit of the holder stating the facts that entitle the holder to reimbursement under this subdivision as sufficient proof for the purposes of this subdivision.

SEC. 35. Section 1561 is added to the Code of Civil Procedure, to read:

1561. (a) If the holder pays or delivers escheated property to the State Controller in accordance with this chapter and thereafter any person claims the property from the holder

or another state claims the property from the holder under that state's laws relating to escheat, the State Controller shall, upon written notice of such claim, defend the holder against the claim and indemnify him against any liability on the claim.

(b) If any holder, because of mistake of law or fact, pays or delivers any property to the State Controller that has not escheated under this chapter and thereafter claims the property from the State Controller, the State Controller shall, if he has not disposed of the property in accordance with this chapter, refund or redeliver the property to the holder without deduction for any fee or other charge.

(c) As used in this section, "escheated property" means property which this chapter provides escheats to this state, whether or not it is determined that another state had a superior right to escheat such property at the time it was paid or delivered to the State Controller or at some time thereafter.

SEC. 36. Section 1514 of the Code of Civil Procedure is amended and renumbered to read:

1562. When property other than money is delivered to the State Controller under this chapter, any dividends, interest or other increments realized or accruing on such property at or prior to liquidation or conversion thereof into money, shall upon receipt be credited to the owner's account by the State Controller. Except for amounts so credited the owner is not entitled to receive income or other increments on money or other property paid or delivered to the State Controller under this chapter. All interest received and other income derived from the investment of moneys deposited in the Unclaimed Property Fund under the provisions of this chapter shall, on order of the State Controller, be transferred to the General Fund.

SEC. 37. Section 1516 of the Code of Civil Procedure is amended and renumbered to read:

1563. (a) Except as provided in subdivision (b), all escheated property delivered to the State Controller under this chapter shall be sold by the State Controller to the highest bidder at public sale in whatever city in the state affords in his judgment the most favorable market for the property involved. The State Controller may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient. He need not offer any property for sale if, in his opinion, the probable cost of sale exceeds the value of the property. Any sale of escheated property held under this section shall be preceded by a single publication of notice thereof, at least one week in advance of sale, in an English language newspaper of general circulation in the county where the property is to be sold.

(b) Securities listed on an established stock exchange shall be sold at the prevailing prices on such exchange. United States Government Savings Bonds and United States War Bonds shall be presented to the United States for payment.

Subdivision (a) does not apply to the property described in this subdivision.

(c) The purchaser at any sale conducted by the State Controller pursuant to this chapter shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The State Controller shall execute all documents necessary to complete the transfer of title.

SEC. 38. Section 1517 of the Code of Civil Procedure is amended and renumbered to read:

1564. (a) All money received under this chapter, including the proceeds from the sale of property under Section 1563, shall be deposited in the Unclaimed Property Fund in an account titled "Abandoned Property."

(b) All money in the abandoned property account in the Unclaimed Property Fund is hereby continuously appropriated to the State Controller, without regard to fiscal years, for expenditure in accordance with law in carrying out and enforcing the provisions of this chapter, including, but not limited to, the following purposes:

(1) For payment of claims allowed by the State Controller under the provisions of this chapter.

(2) For refund, to the person making such deposit, of amounts, including overpayments, deposited in error in such fund.

(3) For payment of the cost of appraisals incurred by the State Controller covering property held in the name of an account in such fund.

(4) For payment of the cost incurred by the State Controller for the purchase of lost instrument indemnity bonds, of for payment to the person entitled thereto, for any unpaid lawful charges or costs which arose from holding any specific property or any specific funds which were delivered or paid to the State Controller, or which arose from complying with this chapter with respect to such property or funds.

(5) For payment of amounts required to be paid by the state as trustee, bailee, or successor in interest to the preceding owner.

(6) For payment of costs incurred by the State Controller for the repair, maintenance, and upkeep of property held in the name of an account in such fund.

(7) For payment of costs of official advertising in connection with the sale of property held in the name of an account in such fund.

(8) For transfer to the General Fund as provided in subdivision (c).

(9) For transfer to the Inheritance Tax Fund of the amount of any inheritance taxes determined to be due and payable to the state by any claimant with respect to any property claimed by him under the provisions of this chapter.

(c) At the end of each month, or oftener if he deems it advisable, the State Controller shall transfer all money in

the abandoned property account in excess of fifty thousand dollars ($50,000) to the General Fund. Before making this transfer, he shall record the name and last known address of each person appearing from the holders' report to be entitled to the escheated property and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, and the name of the corporation. The record shall be available for public inspection at all reasonable business hours.

SEC. 39. Section 1521 of the Code of Civil Procedure is amended and renumbered to read:

1565. Any property delivered to the State Controller pursuant to this chapter which has no apparent commercial value shall be retained by the State Controller until such time as he determines to destroy or otherwise dispose of it. If the State Controller determines that any property delivered to him pursuant to this chapter has no apparent commercial value, he may at any time thereafter destroy or otherwise dispose of the property, and in that event no action or proceeding shall be brought or maintained against the state or any officer thereof or against the holder for or on account of any action taken by the State Controller pursuant to this chapter with respect to the property.

SEC. 40. Section 1566 is added to the Code of Civil Procedure, to read:

1566. (a) When payment or delivery of money or other property has been made to any claimant under the provisions of this chapter, no suit shall thereafter be maintained by any other claimant against the state or any officer or employee thereof for or on account of such property.

(b) Except as provided in Section 1541, no suit shall be maintained by any person against the state or any officer or employee thereof for or on account of any transaction entered into by the State Controller pursuant to this chapter.

SEC. 41. A new article heading is added immediately preceding Section 1515 of the Code of Civil Procedure, which section is renumbered as Section 1570 by this act, such new article heading to read:

Article 6. Compliance and Enforcement

SEC. 42. Section 1515 of the Code of Civil Procedure is amended and renumbered to read:

1570. The expiration of any period of time specified by statute or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property from the holder, does not prevent the money or property from being escheated, nor affect any duty to file a report required by this chapter or to pay or deliver escheated property to the State Controller.

SEC. 43. Section 1522 of the Code of Civil Procedure is amended and renumbered to read:

1571. (a) The State Controller may at reasonable times and upon reasonable notice examine the records of any person if he has reason to believe that such person has failed to report property that should have been reported pursuant to this chapter.

(b) When requested by the State Controller, such examination shall be conducted by any licensing or regulating agency otherwise empowered by the laws of this state to examine the records of the holder. For the purpose of determining compliance with this chapter, the Superintendent of Banks and the Savings and Loan Commissioner are hereby respectively vested with full authority to examine the records of any banking organization and any savings and loan association doing business within this state but not organized under the laws of or created in this state.

SEC. 44. Section 1523 of the Code of Civil Procedure is repealed.

SEC. 45. Section 1572 is added to the Code of Civil Procedure, to read:

1572. (a) The State Controller may bring an action in a court of appropriate jurisdiction, as specified in this section, for any of the following purposes:

(1) To enforce the duty of any person under this chapter to permit the examination of the records of such person.

(2) For a judicial determination that particular property is subject to escheat by this state pursuant to this chapter.

(3) To enforce the delivery of any property to the State Controller as required under this chapter.

(b) The State Controller may bring an action under this chapter in any court of this state of appropriate jurisdiction in any of the following cases:

(1) Where the holder is any person domiciled in this state, or is a government or governmental subdivision or agency of this state.

(2) Where the holder is any person engaged in or transacting business in this state, although not domiciled in this state.

(3) Where the property is tangible personal property and is held in this state.

(c) In any case where no court of this state can obtain jurisdiction over the holder, the State Controller may bring an action in any federal or state court with jurisdiction over the holder.

SEC. 46. Section 1573 is added to the Code of Civil Procedure, to read:

1573. The State Controller may enter into an agreement to provide information needed to enable another state to determine unclaimed property it may be entitled to escheat if such other state or an official thereof agrees to provide this state with information needed to enable this state to determine un-

claimed property it may be entitled to escheat. The State Controller may, by regulation, require the reporting of information needed to enable him to comply with agreements made pursuant to this section and may, by regulation, prescribe the form, including verification, of the information to be reported and the times for filing the reports.

SEC. 47. Section 1574 is added to the Code of Civil Procedure, to read:

1574. At the request of another state, the Attorney General of this state may bring an action in the name of the other state, in any court of appropriate jurisdiction of this state or federal court within this state, to enforce the unclaimed property laws of the other state against a holder in this state of property subject to escheat by the other state, if:

(a) The courts of the other state cannot obtain jurisdiction over the holder;

(b) The other state has agreed to bring actions in the name of this state at the request of the Attorney General of this state to enforce the provisions of this chapter against any person in the other state believed by the State Controller to hold property subject to escheat under this chapter, where the courts of this state cannot obtain jurisdiction over such person; and

(c) The other state has agreed to pay reasonable costs incurred by the Attorney General in bringing the action.

SEC. 48. Section 1575 is added to the Code of Civil Procedure, to read:

1575. (a) If the State Controller believes that a person in another state holds property subject to escheat under this chapter and the courts of this state cannot obtain jurisdiction over that person, the Attorney General of this state may request an officer of the other state to bring an action in the name of this state to enforce the provisions of this chapter against such person.

(b) This state shall pay all reasonable costs incurred by the other state in any action brought under the authority of this section. The State Controller may agree to pay to any state bringing such an action a reward not to exceed fifteen percent of the value, after deducting reasonable costs, of any property recovered for this state as a direct or indirect result of such action. Any costs or rewards paid pursuant to this section shall be paid from the Abandoned Property Account in the Unclaimed Property Fund and shall not be deducted from the amount that is subject to be claimed by the owner in accordance with this chapter.

SEC. 49. Section 1524 of the Code of Civil Procedure is amended and renumbered to read:

1576. (a) Any person who willfully fails to render any report or perform other duties required under this chapter shall be punished by a fine of ten dollars ($10) for each day such report is withheld or such duty is not performed, but not more than one thousand dollars ($1,000).

(b) Any person who willfully refuses to pay or deliver escheated property to the State Controller as required under this chapter shall be punished by a fine of not less than five hundred dollars ($500) nor more than five thousand dollars ($5.000), or imprisonment for not more than six months, or both.

SEC. 50. A new article heading is added immediately preceding Section 1525 of the Code of Civil Procedure, which section is renumbered as Section 1580 by this act, such new article heading to read:

Article 7. Miscellaneous

SEC. 51. Section 1525 of the Code of Civil Procedure is amended and renumbered to read:

1580. (a) The State Controller is hereby authorized to make necessary rules and regulations to carry out the provisions of this chapter.

(b) The Controller shall designate by regulation each state that does not provide by law for the escheat of unclaimed or abandoned intangible property of any kind described in Sections 1513 to 1520, inclusive.

SEC. 52. Section 1581 is added to the Code of Civil Procedure, to read:

1581. (a) Any business association that sells its travelers checks or money orders in this state or that provides such checks or orders to others for sale in this state shall either:

(1) Maintain a record of the names and addresses of the purchasers of all travelers checks and money orders sold on or after January 1, 1969, to purchasers residing in this state; or

(2) Maintain a record indicating those travelers checks and money orders that are sold in this state on or after January 1, 1969, and pay to this state the sums that this chapter provides escheat to this state.

(b) The record required by this section may be destroyed after it has been retained for such reasonable time as the State Controller shall designate by regulation. If the business association complies with paragraph (2) of subdivision (a), the State Controller may not require that the business association maintain the record described in paragraph (1) of subdivision (a). If any provision of this chapter or application thereof to any person or circumstance is held invalid, the requirement of paragraph (2) of subdivision (a) that the business association pay to this state the sums that this chapter provides escheat to this state is satisfied by payment to this state of the sums that escheat to this state under the provisions of this chapter which can be given effect without the invalid provision or application.

(c) Any business association that willfully fails to comply with this section is liable to the state for a civil penalty of five hundred dollars ($500) for each day of such failure to

comply, which penalty may be recovered in an action brought by the State Controller.

SEC. 53. Section 1527 of the Code of Civil Procedure is amended and renumbered to read:

1582. No agreement entered into within nine months after the date a report is filed under subdivision (d) of Section 1530 is valid if any person thereby undertakes to locate property included in that report for a fee or other compensation exceeding 10 percent of the value of recoverable property unless the agreement is in writing and signed by the owner and discloses the nature and value of the property and the name and address of the holder thereof, as such facts are so reported. Nothing in this section shall be construed to prevent an owner from asserting, at any time, that any agreement to locate property is based upon an excessive or unjust consideration.

SEC. 54. Section 1604 of the Code of Civil Procedure is amended to read:

1604. (a) All unclaimed intangible property, together with all interest and other increments accruing thereto, is subject to delivery to this state if the last known address of the owner is in this state. If the last known address of an owner is in this state, any other owner's address which is unknown shall be presumed to be in this state. If the last known addresses of owners are in this state and in one or more other states, the addresses of other owners whose addresses are unknown shall be presumed to be within this state if the federal agency having custody of the unclaimed property initially acquired possession in this state. If the records of the United States do not disclose the address of any owner of unclaimed property, such address shall be presumed to be within this state if the federal agency having custody of such property initially acquired possession in this state. All addresses presumed to be within this state are presumed to be within the County of Sacramento. For the purposes of this chapter, it shall be presumed that the situs of unclaimed intangible property is in this state if the last known or presumed address of the owner is in this state.

(b) All unclaimed tangible property is subject to delivery to this state if the federal agency having custody of the unclaimed property initially acquired possession in this state.

SEC. 55. Section 1614 of the Code of Civil Procedure is amended to read:

1614. Property received under this chapter shall be deposited or sold by the State Controller as though received under Chapter 7 (commencing with Section 1500) of this title. Property received under this chapter shall not be subject to claim within two years following the date upon which it is paid to or received by the state. Thereafter, claims shall be made in the manner provided in Chapter 7 (commencing with Section 1500) of this title.

SEC. 56. If any provision of this act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SEC. 57. This act becomes operative January 1, 1969.

CHAPTER 357

An act to amend Sections 13948, 13952, and 13953 of the Health and Safety Code, relating to fire protection districts.

[Approved by Governor June 25, 1968 Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 13948 of the Health and Safety Code is amended to read:

13948. Any city, or portion thereof, may be included within a district upon the adoption of an ordinance by the city governing body requesting the inclusion which is approved by the district board. The district board may require as a condition to the inclusion that the city or portion thereof included within the district remain a part of the district for a period of time not to exceed 10 years. Upon the expiration of the period of time set forth in the conditions or, if none, at any time, the legislative body of the city may provide by ordinance for the withdrawal of the territory of the city from the district. The withdrawal shall be effective upon the date fixed by the legislative body of the city in the ordinance, which date is on or after the date of the adoption of the ordinance. Where the withdrawal is effective on or before January 1st of the fiscal year the district shall furnish fire protection services to the territory withdrawn until the first day of July next succeeding. Where the withdrawal is effective subsequent to January 1st of the fiscal year and the territory is subject to district taxation for the succeeding fiscal year the district shall furnish fire protection services to the territory until the 30th day of June of the fiscal year next succeeding.

Immediately after the approval by the district board of an ordinance of a city governing body including the city or portion thereof, within the district, the clerk of the legislative body of the city shall file a copy of the ordinance, describing the territory included and the date of its inclusion, with the governing body of the district. Immediately after the adoption of an ordinance withdrawing the territory of a city from the district, the clerk of the legislative body of the city shall file a copy of the ordinance, describing the territory withdrawn and the date of its withdrawal, with the governing body of the

district. Whenever a copy of an ordinance including a city or portion thereof, within the district, or a copy of an ordinance withdrawing the territory of a city from a district, pursuant to this section is filed with the district board, the tax levying authority of the district shall comply with the requirements of Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 2. Section 13952 of the Health and Safety Code is amended to read:

13952. Whenever any portion of a district is included within a city by annexation such portion may be withdrawn from the district. The legislative body of the city may within one year after the annexation proceedings are complete provide by resolution that such territory shall be withdrawn from the district.

Immediately after adoption of the resolution, the clerk of the legislative body of the city shall file a copy of the resolution, describing the territory withdrawn and declaring its withdrawal, with the governing body of the district. Whenever a copy of such resolution is filed with the governing body of the district, the tax levying authority of the district shall comply with the requirements of Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code.

Such withdrawal shall be effective on the date fixed by the legislative body of the city, which date shall not be more than two years after the annexation proceedings are complete. Where the withdrawal is effective on or before January 1st of the fiscal year the district shall furnish fire protection services to the territory until the first day of July next succeeding. Where the withdrawal is effective subsequent to January 1st of the fiscal year and where the territory is subject to district taxation and assessment the district shall furnish fire protection services to the territory until the 30th day of June of the fiscal year next succeeding.

If the portion of the district included within a city by annexation is not withdrawn within two years after the annexation is complete, it may be withdrawn thereafter only by detachment proceedings taken pursuant to the provisions of the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6, Government Code.

SEC. 3. Section 13953 of the Health and Safety Code is amended to read:

13953. Whenever any portion of a district is included within a city by reason of the incorporation of the city, such portion may be withdrawn from the district by resolution of the governing body of the city within one year after the effective date of the incorporation of the city. If not withdrawn within one year, it may be withdrawn thereafter only by detachment proceedings taken pursuant to the provisions of the District Reorganization Act of 1965, Division 1 (commencing at Section 56000) of Title 6, Government Code.

If such withdrawal is made within one year after the effective date of the incorporation of the city, the clerk of the legislative body of the city shall file a copy of the resolution, describing the territory withdrawn, declaring its withdrawal, and specifying the date of its withdrawal, with the governing body of the district. Whenever a copy of such a resolution is filed with the governing body of the district, the tax levying authority of the district shall comply with the requirements of Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code.

CHAPTER 358

An act to amend Sections 12154 and 12155 of the Fish and Game Code, relating to hunting and fishing licenses.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 12154 of the Fish and Game Code is amended to read:

12154. Upon the third conviction of any person of a violation of any provision of this code or regulation made pursuant thereto relating to the taking or possession of fish in any five-year period, and upon any conviction subsequent to the three convictions during such five-year period, the department may recommend to the commission that such person be prohibited from taking any fish or amphibia. The commission may prohibit such person from taking any fish or amphibia for not to exceed three years from the date of the last conviction, and the sport fishing license of such person, if he has one, may be forfeited and no sport fishing license shall be issued such person during such period of prohibition. For the purpose of this section forfeiture of bail shall constitute a conviction.

It shall be unlawful for any person to obtain a sport fishing license during such period of prohibition.

SEC. 2. Section 12155 of the Fish and Game Code is amended to read:

12155. Upon the third conviction of any person of a violation of any provision of this code or regulation made pursuant thereto relating to the taking or possession of birds or mammals in any five-year period, and upon any conviction subsequent to the three convictions during such five-year period, the department may recommend to the commission that such person be prohibited from taking any birds or mammals. The commission may prohibit such person from taking any birds or mammals for not to exceed three years from the date of the

last conviction, and the hunting license of such person, if he has one, may be forfeited and no hunting license shall be issued such person during such period of prohibition. For the purpose of this section forfeiture of bail shall constitute a conviction.

It shall be unlawful for any person to obtain a hunting license during such period of prohibition.

CHAPTER 359

An act to amend Section 70015 of the Government Code, relating to court reporters.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 70015 of the Government Code is amended to read:

70015. In addition to a fee or fees required by any other law or laws, a fee of ten dollars ($10) shall be paid to the county clerk of such a county by each party, or jointly by parties appearing jointly in each of the following instances:

(a) Where Section 26821 of the Government Code requires such party or parties to pay the county clerk a fee for the filing of the first paper in a civil action or in a special proceeding, except in an appeal from an inferior court.

(b) Where Sections 26822 to 26825, inclusive, of the Government Code require such party or parties to pay the county clerk a fee for filing papers transmitted from another court on the transfer of a civil action or special proceeding from another court, except in an appeal from an inferior court.

(c) Where Section 26826 of the Government Code requires such party or parties to pay the county clerk a fee for the appearance in a civil action or special proceeding of a defendant, intervenor, respondent, corespondent or adverse party, except in an appeal from an inferior court; provided, however, if any of the parties named in this paragraph shall appear jointly they shall pay but such additional fee of ten dollars ($10) as in this section provided.

(d) Where Section 26827 of the Government Code requires such party or parties to pay the county clerk a fee for the filing of a petition or other paper in a probate or guardianship matter.

CHAPTER 360

An act to add Sections 12743, 12743.1, 12743.2, 12746, 12746.1, and 12746.2 to the Water Code, relating to flood control projects.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 12743 is added to the Water Code, to read:

12743. The project for flood protection on San Diego River (Mission Valley), California, is hereby adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 212, 89th Congress, as authorized by the Flood Control Act of 1965 (Title II of the Act approved October 27, 1965, Public Law 89-298, 79 Stat. 1073, 1084), at such estimated cost to the state as may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the department. This authorization shall not be deemed to confer preference on this project over the needs of other statewide programs in appropriations of available funds.

SEC. 2. Section 12743.1 is added to the Water Code, to read:

12743.1. The City of San Diego shall give assurances satisfactory to the Secretary of the Army that the local cooperation required by the act approved October 27, 1965, (Public Law 89-298, 79 Stat. 1073, Title II, the Flood Control Act of 1965), will be furnished by the city in connection with the project for flood protection adopted and authorized in Section 12743.

SEC. 3. Section 12743.2 is added to the Water Code, to read:

12743.2. The City of San Diego, in conjunction with the Department of the Army, shall execute the plans and projects referred to in Section 12743, and may make modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 (commencing with Section 12570) and 2 (commencing with Section 12639) of this part.

SEC. 4. Section 12746 is added to the Water Code, to read:

12746. The project for flood protection on Tahquitz Creek in California is hereby adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 223, 89th Congress, as authorized by the Flood Control Act of 1965 (Title II of the act approved October 27, 1965, Public Law 89-298, 79 Stat. 1073, 1084), at such estimated cost to the state as may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the department; provided, that the requirement that local interests pay a portion of the con-

struction costs, based upon land enhancement, is for payment of local benefits not related to flood control, and shall not be payable or reimbursable by the state. This authorization shall not be deemed to confer preference on this project over the needs of other statewide programs in appropriations of available funds.

SEC. 5. Section 12746.1 is added to the Water Code, to read:

12746.1. The Riverside County Flood Control and Water Conservation District shall give assurances satisfactory to the United States that the local cooperation required by federal legislation in connection with the project for flood protection adopted and authorized in Section 12746 will be furnished by the district.

SEC. 6. Section 12746.2 is added to the Water Code, to read:

12746.2. The Riverside County Flood Control and Water Conservation District, in conjunction with the Department of the Army, shall execute the plans and projects referred to in Section 12746, and may make modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 (commencing with Section 12570) and 2 (commencing with Section 12639) of this part.

CHAPTER 361

An act to add Section 1352.2 to the Labor Code, relating to working hours of females.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 1352.2 is added to the Labor Code, to read:

1352.2. No employer engaged in the operation of a licensed hospital shall be deemed to have violated any provision of this article by having adopted, pursuant to an agreement or understanding voluntarily arrived at between the employer and the employee before performance of the work, a work period of 14 consecutive days in lieu of the workweek of seven consecutive days for purposes of overtime computation and maximum hours limitations; provided that any such employee shall be compensated for her employment in excess of eight hours in any such workday and in excess of 80 hours in any such work period at a rate of not less than 1½ times her regular rate of pay. Except in the case of an emergency as defined in Section 1352, no such employee shall be permitted to work in excess of the maximum hours otherwise permitted for any workday or during any such two-week work period. "Employee" for purposes of this section shall include a graduate nurse.

CHAPTER 362

An act to amend Section 393 of the Military and Veterans Code, relating to military personnel.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 393 of the Military and Veterans Code is amended to read:

393. When an action or proceeding of any nature is commenced in any court against an active member of the militia or a member of the militia in active service in pursuance of an order of the President of the United States as a result of a state emergency for an act done by such member in his official capacity in the discharge of duty, or an alleged omission by him to do an act which it was his duty to perform, or against any person acting under the authority or order of an officer, or by virtue of a warrant issued by him pursuant to law, the defendant may require the person instituting or prosecuting the action or proceeding to file security in an amount of not less than one hundred dollars ($100), to be fixed by the court, for the payment of costs that may be awarded to the defendant therein. The defendant in all cases may make a general denial and give special matter in evidence. A defendant in whose favor a final judgment is rendered in any such action or proceeding shall recover treble costs. The Attorney General shall defend such active member or person where the action or proceeding is civil. The senior judge advocate on the state staff or one of the judge advocates shall defend such active member or person where the action or proceeding is criminal, and the Adjutant General shall designate the senior judge advocate on the state staff, or one of the judge advocates, to defend such active member or person.

CHAPTER 363

An act to add Section 15503.2 to the Education Code, relating to school buildings.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 15503.2 is added to the Education Code, to read:

15503.2. "School building" as used in this article excludes any building which is used for junior college district administrative buildings located on a site separate from the junior college campuses of the district, and into which pupils are not required to enter.

CHAPTER 364

An act to amend Section 68546 of the Government Code, relating to courts.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 68546 of the Government Code is amended to read:

68546. If the Chairman of the Judicial Council assigns a judge of a municipal court in a county to sit on the superior court of the same county, the presiding judge of the municipal court may with the consent of the presiding judge of the superior court also assign the court reporter, deputy clerk and deputy marshal, or any of them, of the municipal court from which such judge is assigned to act as court reporter, deputy clerk and deputy sheriff, respectively, for the superior court during the period for which the judge is assigned. During the period for which the court reporter, deputy clerk, or deputy marshal is assigned, they shall receive the same salary as a court reporter, deputy clerk, or deputy sheriff, respectively, for the superior court. If there be no presiding judge, the senior or sole judge may make or consent to the assignment of the attachés. This section shall not apply to the assignment of the deputy clerk or deputy marshal in any county until the board of supervisors by ordinance has adopted its provisions.

CHAPTER 365

An act to amend Section 69991 of, and to add Section 70059.7 to, the Government Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 69991 of the Government Code is amended to read:

69991. The duties of official reporters appointed pursuant to Section 69990 shall be performed as elsewhere provided by law. As full compensation for taking notes in criminal cases in the superior court each reporter shall receive a monthly salary of six hundred dollars ($600), and for the purposes of retirement, the compensation of each reporter shall be deemed to be the total of all per diem and transcription fees paid by

the county to all of the reporters of the superior court for all phonographic reporting services, divided by the number of superior court official reporters, plus his salary; except that in each county, with a population of 88,000 and under 100,000, as ascertained and determined by Section 28020 of this code, the monthly salary shall be eight hundred dollars ($800). All other fees of such reporters shall be as elsewhere provided by law. In cases where it is necessary to appoint a pro tempore reporter, he shall be allowed the fees elsewhere provided by law.

SEC. 2. Section 70059.7 is added to the Government Code, to read:

70059.7. In a county with a population of not less than 168,500 and not more than 169,000, as determined by the 1960 federal census, each regular official reporter shall be paid an annual salary of thirteen thousand five hundred dollars ($13,500), which salary shall include payment for his services in reporting all proceedings in the superior court and before the grand jury.

Reporters pro tempore shall be paid at the rate of forty-five dollars ($45) a day for the days they are actually on duty under order of the court, and shall receive from the county their necessary traveling and other expenses when necessarily called from other counties.

In such a county, the fee required by Section 70053 shall be ten dollars ($10).

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:

If the compensation of court reporters is not maintained at a competitive level, it will be difficult or impossible to employ an adequate number of court reporters and thus the expeditious administration of justice will be seriously impaired. In order to prevent such a situation it is necessary that this act take effect immediately.

CHAPTER 366

An act to amend Section 9701 of the Education Code, relating to disposal of old textbooks.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 9701 of the Education Code is amended to read:

9701. Obsolete textbooks that are usable for educational purposes may be disposed of by governing boards of school districts in which a superintendent of schools is employed, and in other school districts with the approval of the county superintendent of schools, in any of the following ways:

(a) They may be used as supplementary textbooks by the districts or may be placed in the county free library and handled in the same manner as any other supplementary textbooks.

(b) If such textbooks are not needed as supplementary textbooks in the district certain materials may be removed from such textbooks and used for instructional purposes in accordance with such instructions as are given by the governing board of the school district.

(c) Such books may be sold for a nominal price for use within the State of California to any organization which agrees to use such books for educational purposes and agrees also to make no charge of any kind to the persons to whom such organization gives or lends such books.

(d) Such books may be donated to the United States government or any agency thereof.

(e) Such books may be donated to any public agency or institution of the State of California or to any other state, territory or possession of the United States or the government of any country which formerly was a territory or possession of the United States.

(f) Such books may be sold for a nominal price to any international civic or service club having one or more clubs in the State of California and approved by the governing board of the school district or by the Superintendent of Public Instruction, provided such civic or service club agrees to distribute such books for educational purposes and to make no charges of any kind to the persons to whom such organization gives or lends such books.

(g) Such books may be donated to children and other persons who reside in the school district for the purpose of increasing the general literacy of the citizenry of the district.

(h) Such books may be mutilated so as not to be salable as books and sold for use in the manufacture of paper pulp or other similar substances at the highest price that can be obtained, or may be burned or otherwise destroyed as may be directed by the superintendent and school district governing board having jurisdiction, provided that no books shall be burned or destroyed until 30 days after notice has been given to the State Department of Education. No burning or destruction shall be effected if any of the foregoing means of disposition can be accomplished and delivery by the governing board or the superintendent made to the respective agency within the period of the notice or a reasonable time thereafter.

CHAPTER 367

An act to amend Section 19100 of the Health and Safety Code, relating to housing protection from earthquakes.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 19100 of the Health and Safety Code is amended to read as follows:

19100. This chapter does not apply to any of the following buildings:

(a) Any building not intended primarily for occupancy by human beings and located entirely outside the limits of a city or city and county.

(b) Any building designed and constructed for use exclusively as a dwelling by not more than two families and located entirely outside the limits of a city or city and county.

(c) Any building designed and constructed primarily for use in housing poultry, livestock, hay, grain, or farm machinery and supplies, even though persons may work in, or may otherwise be present in, such building from time to time.

(d) Any building under construction on and prior to May 26, 1933.

(e) Any building in an unincorporated area and used for human habitation and of wood frame construction and not more than two stories in height, in which the span between bearing walls does not exceed twenty-four feet (24'), no room in which contains an area of more than one thousand square feet (1,000 sq. ft.), and which is located in a labor camp as defined in Section 2410 of the Labor Code.

CHAPTER 368

An act to amend Sections 4438 and 4446 of the Public Resources Code, relating to fire prevention standards pertaining to incinerators.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 4438 of the Public Resources Code is amended to read:

4438. Waste flammable material incident to the processing of forest products may be disposed of by means of fire on the sawmill or plant premises in an enclosed device effective in preventing the spread of sparks or fire, situated in an area cleared

of grass, grain, brush, slash, litter and snags for a distance of 100 feet surrounding the device.

A burning permit shall be obtained for the use of the device pursuant to Section 4423 and all other provisions of law.

SEC. 2. Section 4446 of the Public Resources Code is amended to read:

4446. Every person shall exercise reasonable care in the disposal of flammable material so that the material does not cause the inception of or spread of uncontrolled fire. A person shall not burn any flammable material in any incinerator within any state responsibility area, area receiving fire protection by the State Forester by contract, or upon federal lands administered by the United States Department of Agriculture or Department of the Interior, unless the following minimum requirements are complied with:

(a) The area within 10 feet of the exterior of the incinerator is maintained free and clear of all flammable material and vegetation.

(b) A screen constructed of a nonflammable material, with no greater than ½-inch mesh, or metal doors, close or cover each opening in the exterior of an incinerator to prevent the escape of flames, sparks, ashes or other burning material which might cause an uncontrolled fire.

(c) A permit is obtained prior to burning for the use of the incinerator pursuant to Section 4423 and all other applicable provisions of law.

The provisions of this section do not apply to the disposal of flammable material incident to the processing of forest products.

CHAPTER 369

An act to amend Sections 2, 11.4, 14.9 and 14.11 of, and to add Sections 14.20, 14.21, 14.22, 14.23, 14.24, 14.25, 14.26, 14.27, 14.28, 14.29, 14.30, 14.31, 14.32, 14.33, 14.34, 14.35, 14.36, and 14.37 to, the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), relating to ground water charges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 25, 1968 Filed with Secretary of State June 25, 1968]

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

SECTION 1. Section 2 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961) is amended to read:

Sec. 2. As used in this act, the following words shall have the following respective meanings unless the context indicates otherwise:

(a) "Agency" means the Kern County Water Agency.

(b) "County" means the County of Kern of the State of California, and "board of supervisors" means the Board of Supervisors of the County of Kern.

(c) "United States" means the United States of America including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the United States of America.

(d) "State" means the State of California including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the State of California.

(e) "Work" or "works" includes dams and damsites, reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion, transmission and distribution of water; any replacement, renovation or improvement of the foregoing; and all land, property, franchises, easements, rights-of-way and privileges necessary or useful to operate or maintain any of the foregoing.

(f) "District" means any of the following lying within or partially within the agency: irrigation districts, county water districts, water conservation districts, water districts, water storage districts, soil conservation districts, municipalities, towns, flood control districts, and any other districts or political subdivisions of the state, other than the County of Kern, empowered by law to appropriate water and deliver water to water users.

(g) "Member unit" means any district which enters into a contract with the agency for (i) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States, of any or all the construction costs of any works constructed by or on behalf of the agency or such district, or for (ii) the underwriting in whole or in part of any or all of such construction costs, or for (iii) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States of any or all of the cost of furnishing water or a water supply to the agency or such district or the underwriting in whole or in part of such cost, or for (iv) the payment in whole or in part for water to be furnished or sold to such district by the agency, the state or the United States.

(h) "Elector" or "qualified elector" or "voter" or "qualified voter" means any elector of the county qualified under the laws of the State of California to vote in the county at general elections.

(i) "May" is permissive and "shall" is mandatory.

(j) "Board" means the board of directors of the agency.

(k) "Agency election" means the election held in every even-numbered year, and consolidated with the general election, as defined in Section 23 of the Elections Code, for the election of directors.

SEC. 1.5. Section 14.4 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961) is amended to read:

Sec. 14.4. The formation of an improvement district shall be instituted by a resolution of the board which shall contain the following:

(a) A description of the boundaries of the improvement district proposed to be formed;

(b) A brief general description of the project to be undertaken within such improvement district;

(c) A finding that the project will be a special benefit to such improvement district;

(d) A statement of the board's intention to undertake the project;

(e) An estimate of the cost of the project;

(f) The method by which the project is proposed to be financed. To the extent that the project is to be financed by taxes levied in such improvement district, for purposes other than the payment of the principal of and interest on bonds, the proposed maximum amount of such tax which may be levied in any year. Also, if the board intends to finance any part of the project by ground water charges as provided for in Sections 14.20 through 14.37, inclusive, a statement of such intention, and the proposed maximum ground water charge for each class of water which may be levied in any year;

(g) The time and place for a hearing by the board on the formation of the proposed improvement district, on the boundaries thereof, on the project proposed to be undertaken therein and on the method by which the project is proposed to be financed.

SEC. 2. Section 14.9 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961) is amended to read:

Sec. 14.9. The board shall exclude from the proposed improvement district all the lands of any district, not lying wholly within any other district within the agency, unless prior to the conclusion of the hearing such district files with the secretary of the board a resolution adopted by a majority vote of the governing body of said district consenting to the inclusion of the lands within said district in the proposed improvement district.

SEC. 2.5. Section 14.11 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961) is amended to read:

Sec. 14.11. The resolution declaring an improvement district to be formed shall contain:

(a) A description of the boundaries thereof and the name of such improvement district which shall thereupon constitute and be known as "Improvement District No. _____ of Kern County Water Agency."

(b) A brief description of the project which may be undertaken within the improvement district.

(c) The maximum amount of any improvement district tax, exclusive of taxes for the payment of principal and of interest on bonds, which may be levied in any year, which maximum amount shall not exceed the amount estimated in the resolution adopted pursuant to Section 14.4.

(d) If the levying of ground water charges is to be authorized in the improvement district pursuant to Sections 14.20 through 14.37, inclusive, a statement to that effect, and the maximum ground water charge for each class of water which may be levied in any year, which maximum charges shall not exceed the maximums proposed in the resolution adopted pursuant to Section 14.4.

SEC. 3. Section 14.20 is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 14.20. The board shall have the power, in addition to the powers enumerated elsewhere in this act, to levy and collect ground water charges for the production of water from the ground water supplies within any improvement district which will benefit from the recharge of underground water supplies or the distribution of imported water in such improvement district; provided, that the levying of such charges has been authorized in such improvement district in the resolution adopted pursuant to Section 14.11 declaring the formation of such district; provided further, that no ground water charges shall be levied or collected in that portion of Kern County east of the following described line:

Beginning at the intersection of the West boundary of Rancho La Liebre and the South line of Kern County; thence Northeasterly along the boundary of Rancho La Liebre to the point where said boundary intersects the West line of Section 1, T9N, R17W, SBB&M; thence North along the West line of said Section 1 to a point on the South line of Section 36, T10N, R17W, SBB&M; thence East to the Southeast corner of said Section 36, T10N, R17W, SBB&M; thence Northerly to a point on the West line of Section 19, T11N, R16W, said point being where the West line of said Section 19, T11N, R16W, SBB&M intersects a point on the Southerly and Easterly boundary of Rancho El Tejon; thence Southeasterly along the line of Rancho El Tejon to Corner No. 9 of Rancho El Tejon, said corner being in the West one-half of said Section 19; thence Northeasterly along the East line of Rancho El Tejon to Corner No. 10 of said Rancho, said point also being in the West one-half of said Section 19, T11N, R16W, SBB&M; thence Northwesterly along the line of Rancho El Tejon to Corner No. 11 of said Rancho El Tejon, said point which falls in the Southeast one-quarter of Section 3, T11N, R17W, SBB&M; thence continuing Northwesterly along the line of Rancho El Tejon to Corner No. 12 of said Rancho El Tejon, which point also falls on the West line of Section 28, T12N, R17W, SBB&M; thence North along the West line of said Section 28, T12N, R17W, SBB&M, to a point on the South line of Section 36, T32S, R30E, MDB&M; thence East

to the Southeast corner of said Section 36, T32S, R30E, MDB&M; thence North to a point on the East line of Section 24, T31S, R30E, MDB&M where the East line of said Section 24 intersects the boundary line of Rancho El Tejon; thence Northeasterly along the boundary of Rancho El Tejon to Corner No. 15 of Rancho El Tejon, said point also being in Section 34, T30S, R31E, MDB&M; thence Northwesterly along the boundary line of Rancho El Tejon passing through Corner No. 16 of said Rancho El Tejon to Corner No. 17 of said Rancho El Tejon, said point also being the Southeast corner of Section 1, T30S, R30E, MDB&M; thence Northerly to the Northeast corner of Section 1, T29S, R30E, MDB&M; thence Easterly to the Southeast corner of Section 36, T28S, R30E, MDB&M; thence Northerly to the Northeast corner of Section 1, T28S, R30E, MDB&M; thence Westerly to the Southwest corner of Section 31, T27S, R28E, MDB&M; thence Northerly to the Northwest corner of Section 6, T25S, R28E, MDB&M; also being a point on the North line of Kern County.

SEC. 4. Section 14.21 is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 14.21. As used in connection with the ground water charge, the following words shall have the following respective meanings:

"Person," "owner" or "operator" means federal, state, and local public agencies, private corporations, firms, partnerships, individuals or groups of individuals, whether legally organized or not; "owner" or "operator" also means the person to whom a water-producing facility is assessed by the county assessor, or, if not separately assessed, the person who owns the land upon which a water-producing facility is located.

"Ground water" means all water beneath the earth's surface, whether or not flowing through known and definite channels.

"Production" or "producing" means the extraction or extracting of ground water, by pumping or any other method, from shafts, tunnels, wells (including, but not limited to, abandoned oil wells), excavations or other sources of such ground water, for domestic, municipal, irrigation, industrial, or other use, except that such terms shall not mean or include the extraction of ground water produced in the construction or reconstruction of a well, or water incidentally produced with oil or gas in the production thereof, or water incidentally produced in a bona fide mining or excavating operation or water incidentally produced in the bona fide construction of a tunnel.

"Water-producing facility" means any device or method, mechanical or otherwise, for the production of water from the ground water supplies within the improvement district.

"Water year" means July 1 of one calendar year to June 30 of the following calendar year.

"Agricultural water" means water first used on lands in the production of plant crops or livestock for market.

SEC. 5. Section 14.22 is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 14.22. Prior to the establishment of any ground water charge in an improvement district, the board shall adopt a resolution stating its intention to do so, designating the improvement district in which it is proposed that such charges be levied, and requiring the registration of all water-producing facilities located within such improvement district as provided in Section 14.24 of this act. Said resolution shall be published once a week for three successive weeks in a newspaper of general circulation published in the agency.

SEC. 6. Section 14.23 is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 14.23. Ground water charges levied pursuant to this act are declared to be in furtherance of agency activities in the protection and augmentation of the water supplies of the improvement district which are necessary for the public health, welfare and safety of the people of this state. The ground water charges are authorized to be levied upon the production of ground water from all water-producing facilities, whether public or private, within said improvement district for the benefit of all who rely directly or indirectly upon the ground water supplies and water imported into such improvement district.

The proceeds of ground water charges levied and collected upon the production of water from ground water supplies within such improvement district are authorized and shall be used exclusively by the board for the following purposes:

(a) To pay the costs of acquiring, constructing, maintaining and operating facilities which will import water into the agency which will benefit such improvement district including payments made under any contract between the agency and the State of California, the United States of America, or any public, private or municipal utility.

(b) To pay the costs of purchasing water for importation into the agency which will benefit such improvement district, including payments made under any contract with the State of California, the United States of America, or any public, private or municipal utility; provided, that the costs of cloud seeding and weather modification activities shall not be deemed to be costs of purchasing water for importation.

(c) To pay the costs of acquiring, constructing, maintaining and operating facilities which will provide for ground water recharge or which will measure ground water extractions.

(d) To pay any administrative costs and the principal or interest of any bonded indebtedness or other obligations incurred by the agency on behalf of such improvement district or districts for any of the purposes set forth in subdivisions (a), (b) and (c) of this section.

SEC. 7. Section 14.24 is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 14.24. Within six months after the last date of publication of the resolution provided for in Section 14.22 stating the board's intent to establish a ground water charge in an improvement district, all water-producing facilities located within the boundaries of such improvement district shall be registered with the agency by the owner or operator thereof on forms provided by the agency and, if required by the board, equipped with a water-measuring device satisfactory to the agency installed by the agency or at the agency's option by the operator thereof. Any new water-producing facility, constructed or reestablished, or any abandoned water-producing facility, which is reactivated, after such date, shall be registered with the agency, and if required by the board, equipped with a water-measuring device satisfactory to the agency within 30 days after the completion or reestablishment thereof.

Failure to register any water-producing facility, as required by this act, is a misdemeanor punishable by a fine of not to exceed five hundred dollars ($500), or imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment.

In addition to other information which the agency may determine is necessary and may require in the registration form provided, there shall also be given information as to the owner or owners of the land upon which each water-producing facility is located, a general description and location of each water-producing facility, the name and address of the person charged with the operation of each water-producing facility, and the name or names and addresses of all persons owning or claiming to own an interest in the water-producing facility.

SEC. 8. Section 14.25 is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 14.25. After adoption of the resolution provided for in Section 14.22, the agency engineer shall annually prepare a report which shall include, among other matters which the agency may desire, information on the availability of surface and ground water in the improvement district, the quantity of water needed for surface delivery and for replenishment of the ground water supplies within the improvement district for the ensuing water year, the amount of water which the agency is obligated to purchase for use in the improvement district during the ensuing water year and an estimate of the amount of ground water to be extracted within the improvement district during the ensuing water year.

SEC. 9. Section 14.26 is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 14.26. On or before October 1st of each year the engineering report shall be delivered to the secretary of the board in writing. Said secretary shall publish, pursuant to Section 6061 of the Government Code, a notice of the receipt of such report and of the public hearing to be held on the

third Monday of October, in a newspaper of general circulation printed and published within the agency, at least 10 days prior to the date at which the public hearing regarding said engineering report shall be held. Said notice, among other information which the agency may provide therein, shall designate the place where such hearing shall be held and contain an invitation to all operators of water-producing facilities within the improvement district to call at the offices of the agency to examine said engineering report.

There shall be held by the board on the third Monday of October of each year a public hearing at which time any operator of a water-producing facility within the improvement district, or any person interested in the condition of the ground water supplies or the surface water supplies of the improvement district, may in person, or by representative, appear and submit evidence concerning the ground water conditions and the surface water supplies within the improvement district. Appearances also may be made supporting or protesting said written engineering report. The board shall, before the levy of the ground water charge, find and determine the estimated amount of agricultural water to be withdrawn from the ground water supplies of the improvement district for the ensuing water year; the amount of water other than agricultural water to be drawn from the ground water supplies of the improvement district for the ensuing water year; the estimated amount of water necessary for surface distribution in the improvement district for the ensuing water year; and the amount of water the district is obligated by contract to purchase. Said findings and determinations by the board shall be conclusive and binding upon all persons and parties.

SEC. 10. Section 14.27 is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 14.27. Within 30 days from the close of said hearing, the board shall determine whether or not a ground water charge should be levied in such improvement district or districts. If the board determines that a ground water charge or charges should be so levied, it shall levy, assess, and affix such charge or charges against all persons operating ground water-producing facilities within such improvement district or districts during the ensuing water year. The charges shall be computed at a fixed and uniform rate per acre-foot for agricultural water and at a fixed and uniform rate per acre-foot for all water other than agricultural water; provided, that the ground water charge for one class of water shall not exceed twice that for any other class of water; provided, further, that with respect to small water-producing facilities which have a discharge opening not greater than a size specified by the board and which do not provide water for an area in excess of that specified by the board, for administrative convenience the board may provide for either a flat annual charge or for no charge in lieu of a charge computed at such fixed and uniform rates. Different rates may be established for different

improvement districts; provided, however, that in each improvement district the rate for agricultural water shall be fixed and uniform and the rate for water other than agricultural water shall be fixed and uniform.

Any ground water charge levied pursuant to this section shall be in addition to any other taxes or assessments, if any, levied within the agency or any improvement district or districts thereof.

Clerical errors occurring or appearing in the name of any person or in the description of the water-producing facility where the production of water therefrom is otherwise properly charged, or in the making or extension of any charge upon the records, which do not affect the substantial rights of the assessee or assessees, shall not invalidate the ground water charge.

SEC. 11. Section 14.28 is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 14.28. The agency, after the levying of the ground water charge, shall give notice thereof to each operator of each water-producing facility in the improvement district or districts in which such charge or charges are levied as disclosed by the records of the agency, which notice shall state the rate for each class of water of the ground water charge applicable to said water-producing facility for each acre-foot of water to be produced during the ensuing water year. Said notice may be sent by postal card or by other first-class mail and with postage prepaid by the agency.

SEC. 12. Section 14.29 is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 14.29. After the adoption of the resolution provided for in Section 14.22 for an improvement district in which a ground water charge may be levied, each owner or operator of a water-producing facility within said improvement district, until such time as said water-producing facility has been permanently abandoned, shall file with the agency, on or before the 31st day of January and on or before the 31st day of July in each year, a statement setting forth the total production in acre-feet of water for the preceding six-months period (excluding the month in which the statement is due), a general description or number locating each water-producing facility, the method or basis of the computation of such water production, and the amount of the ground water charge based on such computation. If no water has been produced from said water-producing facility during the preceding six-months period, said statement shall be filed as provided for herein, setting forth that no water has been produced during said period. Said statement shall be verified by a written declaration that it is made under the penalties of perjury. The ground water charge is due and payable to the agency on or before the last day upon which the water production statements shall be filed, and is computed by multiplying the production in acre-feet of water for each classification as dis-

closed in the statement by the ground water charge for each classification of water. At such time as any said water-producing facility has been permanently abandoned, the operator thereof shall give written notice of such abandonment to the agency. If any operator of a water-producing facility shall fail to pay the ground water charge when due, the agency shall charge interest at the rate of one percent (1%) each month on the delinquent amount of the ground water charge.

Should any owner or operator of a water-producing facility fail to register each water-producing facility, or fail to file the water-production statements as required by this act, the agency shall, in addition to charging interest as provided herein, assess a penalty charge against such owner or operator in an amount of ten percent (10%) of the amount found by said agency to be due, except in those cases where payment in the proper amount has been made within the time required by this act and the failure to register the water-producing facility or to file the water-production statement within the time required by this act resulted, in the opinion of the board, from excusable and justifiable circumstances, in which case the board may reduce the penalty to an amount of not less than one percent (1%) of said amount found to be due.

When a water-measuring device is permanently attached to water-producing facility, the record of production as disclosed by such water-measuring device shall be presumed to be accurate and shall be used as the basis for computing the water production of said water-producing facility in completing the water-production statement, unless it can be shown that the water-measuring device is not measuring accurately.

When a water-measuring device is not permanently attached to a water-producing facility, the board may establish a method or methods to be used in computing the amount of water produced from such water-producing facilities.

Such methods may be based upon any, or all, or a combination of some of the following criteria: the minimum charge sufficient to cover administrative costs of collection, size of water-producing facility discharge opening, area served by the water-producing facility, number of persons served by the water-producing facility, use of land served by the water-producing facility, crops grown on land served by the water-producing facility, or any other criteria which may be used to determine with reasonable accuracy the amount of water produced from such water-producing facility.

SEC. 13. Section 14.30 is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 14.30. Upon good cause shown, an amended statement of water production may be filed or a correction of the records may be made at any time prior to the final date for filing the next semiannual water production statement; provided that if pursuant to Section 14.33, the owner or operator has been notified of a determination by the agency that the production of water from the water-producing facility is in excess of that

disclosed by the sworn statement covering such water-producing facility, and such owner or operator fails to protest such determination in the manner and in the time set forth in Section 14.33, he shall be precluded from later filing an amended water production statement for that period for such water-producing facility.

SEC. 14. Section 14.31 is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 14.31. The agency shall prepare each year for each improvement district in which a ground water charge is levied a record called "The Record of Water Production and Ground Water Charges, Improvement District No. _____" in which shall be entered a general description of the property upon which each water-producing facility is located, an identifying number or code which is assigned to such facility, the annual water production for each class of water produced from each water-producing facility, and the ground water charge for each class of water.

SEC. 15. Section 14.32 is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 14.32. The superior court of the county in which the agency lies may issue a temporary restraining order upon the filing by the agency with said court of a petition or complaint setting forth that the person named therein as defendant is the operator of a water-producing facility which has not been registered with the agency or that such defendant is delinquent in the payment of a ground water charge Such temporary restraining order shall be returnable to said court on or before 10 days after its issuance.

The court may issue and grant an injunction restraining and prohibiting the named defendant from the operation of any water-producing facility when it is established at the hearing that the defendant has failed to register such water-producing facility with the agency or that the defendant is delinquent in payment of ground water charges thereon. Such court may provide that the injunction so made and issued shall be stayed for a period not to exceed 10 days to permit the defendant to register the water-producing facility or to pay the delinquent ground water charge.

Service of process is completed by posting a copy of the summons and complaint upon the water-producing facility or the parcel of land upon which it is located and by personal service upon the named defendant.

The right to proceed for injunctive relief granted herein is an additional right to those which may be provided elsewhere in this act or otherwise allowed by law. The procedure provided in Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure, regarding injunctions shall be followed except insofar as it may herein be otherwise provided. The agency shall not be required to provide an undertaking or bond as a condition to granting injunctive relief.

SEC. 16. Section 14.33 is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 14.33. If the agency has probable cause to believe that the production of water from any water-producing facility is in excess of that disclosed by the sworn statements covering such water-producing facility, or if no statements are filed covering any water-producing facility, the agency may cause an investigation and report to be made concerning the production of water from each such water-producing facility. The owner or operator of each such water-producing facility shall furnish to the agency from time to time, as may be required by the agency, the records, notices or bills, or duplicates thereof, respecting the amount of electric power used in operating such facility, as received by such owner or operator from the utility or entity which furnishes such electric power. The agency may fix the amount of water production from any such water-producing facility at an amount not to exceed the maximum production capacity of such water-producing facility; provided, however, where a water-measuring device is permanently attached thereto, the record of production, as disclosed by such water-measuring device, shall be presumed to be accurate.

After such determination has been made by the agency, a written notice thereof shall be mailed to the person operating such water-producing facility at his address as shown by the agency's records. Any such determination made by the agency shall be conclusive on all persons having an interest in such water-producing facility, and the ground water charge, interest and penalties thereon, shall be paid forthwith, unless such person files with the board within 10 days after the mailing of such notice, a written protest setting forth the ground or grounds for protesting the amount of production so fixed. Upon the filing of such protest, the board thereafter shall hold a hearing at which time the total amount of the water production and the ground water charge thereon shall be determined, which shall be conclusive if based upon substantial evidence. If the water-production statement was filed and the amount disclosed thereon was paid within the time required by this act, and the board finds that the failure to report the amount of water actually produced resulted from excusable or justifiable circumstances, the board may waive the charge of interest on the amount found to be due. A notice of such hearing shall be mailed to the protestant at least 10 days before the date fixed for the hearing. Notice of the determination by the board shall be mailed to each protestant, who shall have 20 days from the date of mailing to pay the ground water charge, interest or penalties provided by the provisions of this act.

Notice as required in this section shall be given by deposit thereof in any postal facility regularly maintained by the government of the United States in a sealed envelope with postage paid, addressed to the person on whom it is served

at his name and address as disclosed by the records of the agency. The service is complete at the time of deposit.

SEC. 17. Section 14.34 is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 14.34. The agency may bring a suit in the court having jurisdiction against any operator of a water-producing facility within the agency for the collection of any delinquent ground water charge. The court having jurisdiction of said suit may, in addition to allowing recovery of costs to said agency as allowed by law, fix and allow as part of the judgment interest and penalties as provided in Section 14.29. Should the agency, as a provisional remedy in bringing such suit, seek an attachment against the property of any named defendant therein, the agency shall not be required to provide a bond or undertaking as is otherwise provided for in Chapter 4 (commencing with Section 537), Title 7, Part 2, of the Code of Civil Procedure.

SEC. 18. Section 14.35 is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 14.35. It shall be unlawful to produce water from any water-producing facility required to be registered pursuant to the terms of this act unless such water-producing facility has been registered with the agency within the time required by the provisions of this act and, if required by the board, has a water-measuring device affixed thereto capable of registering the accumulated amount of water produced therefrom.

Violation of this provision shall be punishable by a fine not to exceed five hundred dollars ($500), or imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment. Each day of operation in violation hereof shall constitute a separate offense.

SEC. 19. Section 14.36 is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 14.36. Any person who injures, alters, removes, resets, adjusts, manipulates, obstructs or in any manner interferes or tampers with or procures or causes or directs any person to injure, alter, remove, reset, adjust, manipulate, obstruct or in any manner interfere or tamper with any water-measuring device affixed to any water-producing facility as required by this act, so as to cause said water-measuring device to improperly or inaccurately measure and record said water production, or any person who willfully does not file with the agency a water-production statement as prescribed and within the time required by this act, or any person who willfully removes or breaks a seal attached to an abandoned water-producing facility, or any person who with intent to evade any provision or requirement of this act files with the agency any false or fraudulent water-production statement is guilty of

a misdemeanor and is punishable by a fine not to exceed five hundred dollars ($500), or imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

SEC. 20. Section 14.37 is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 14.37. In implementing the enforcement of the provisions of this act relating to ground water charges, the agency shall have the power, in addition to the powers enumerated elsewhere in this act:

(a) To install and maintain water-measuring devices, and other devices which will aid in determining accurate water production, on water-producing facilities not owned by the agency.

(b) To affix seals to water-producing facilities which the owner or operator thereof has declared to be abandoned, or are in fact permanently abandoned.

(c) To enter onto any land for the purposes enumerated in this section and for the purpose of making investigations relating to water production.

SEC. 21. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

To assist in financing the acquisition and distribution of water supplies in various areas within the Kern County Water Agency, which water supplies are necessary for the preservation of the public health and safety, it is imperative that this act go into effect immediately.

CHAPTER 370

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

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. The sum of two million seven hundred thousand dollars ($2,700,000) is hereby appropriated from the General Fund, to be expended in accordance with the following schedule:

(a) One million eight hundred thousand dollars ($1,800,000) in augmentation of Item 126 of the Budget Act of 1967.

(b) Nine hundred thousand dollars ($900,000) in augmentation of Item 276 of the Budget Act of 1967.

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

In order to meet the current need of local Short-Doyle agencies and the State Department of Mental Hygiene with respect to providing mental health services to the people of the state, it is necessary that this act take effect immediately.

CHAPTER 371

An act to add Section 34.6 to the Civil Code, relating to minors.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 34.6 is added to the Civil Code, to read:

34.6. Notwithstanding any other provision of law, a minor 15 years of age or older who is living separate and apart from his parents or legal guardian, whether with or without the consent of a parent or guardian and regardless of the duration of such separate residence, and who is managing his own financial affairs, regardless of the source of his income, may give consent to hospital care or any X-ray examination, anesthetic, or medical or surgical diagnosis or treatment to be rendered by a physician and surgeon licensed under the provisions of the State Medical Practice Act, or to hospital care or any X-ray examination, anesthetic, dental or surgical diagnosis or treatment to be rendered by a dentist licensed under the provisions of the Dental Practice Act. Such consent shall not be subject to disaffirmance because of minority.

The consent of the parent, parents or legal guardian of such a minor shall not be necessary in order to authorize such hospital, medical, dental, or surgical care and such parent, parents or legal guardian shall not be liable for any care rendered pursuant to this section.

A physician and surgeon or dentist may, with or without the consent of the minor patient, advise the parents, parent or legal guardian of such minor of the treatment given or needed if the physician and surgeon or dentist has reason to know, on the basis of the information given him by the minor, the whereabouts of the parents, parent or legal guardian.

CHAPTER 372

An act to add Section 17928 to the Education Code, relating to supplemental support for school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 17928 is added to the Education Code, to read:

17928. Notwithstanding any provisions of this article to the contrary, whenever, due solely to fluctuations in average daily attendance after the adoption of the annual budget and the setting of the tax rates for the fiscal year, a district, which is not eligible for the increase in foundation program prescribed by Section 17676, is not eligible for supplemental support funds allowed by Section 17924 or 17925, as the case may be, because the established tax rate is not sufficient to meet the requirements of Section 17924 or 17925, as the case may be, upon certification of the county superintendent of schools that the district made a reasonable effort to accurately determine the average daily attendance and that but for fluctuations in such average daily attendance the established tax rate would have been sufficient to meet the requirements of Section 17924 or 17925, as the case may be, the Superintendent of Public Instruction shall apportion the additional supplemental support funds allowed by Section 17924 or 17925, as the case may be.

The tax rate of any school district to which an apportionment is made pursuant to this section, shall be increased in the succeeding fiscal year by an amount equal to the difference between the established tax rate and the tax rate which would have been sufficient following such fluctuations in the average daily attendance of the district to meet the requirements of Section 17924 or 17925, as the case may be.

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

In order that school districts with fluctuations in average daily attendance may receive supplemental support allowances at the earliest possible date and not be penalized after diligent efforts to comply with the law, it is necessary that this act take immediate effect.

CHAPTER 373

An act to amend Section 18685.1 of the Revenue and Taxation Code, relating to personal income taxation.

[Approved by Governor June 25, 1968 Filed with Secretary of State June 25, 1968]

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

SECTION 1. Section 18685.1 of the Revenue and Taxation Code is amended to read:

18685.1. (a) In case of any underpayment of estimated tax required to be paid under Section 18556 by the date prescribed therein, or the period as extended under Section 18433, a penalty of 10 percent of the amount of the underpayment shall be added to the tax for the taxable year and shall be due and payable upon notice and demand from the Franchise Tax Board unless it is shown that such underpayment is due to reasonable cause and not due to willful neglect.

(b) The amount of the underpayment of estimated tax upon which the penalty is based shall be determined under Sections 18685.5 or 18685.7, whichever is applicable for the taxable year.

(c) The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Franchise Tax Board.

CHAPTER 374

An act to amend Section 1203.01 of the Penal Code, relating to criminal judgments.

[Approved by Governor June 25, 1968 Filed with Secretary of State June 25, 1968]

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

SECTION 1. Section 1203.01 of the Penal Code is amended to read:

1203.01. Immediately after judgment has been pronounced, the judge and the district attorney, respectively, shall cause to be filed with the clerk of the court a brief statement of their views respecting the person convicted or sentenced and the crime committed, together with such reports as the probation officer may have made relative to the prisoner. The attorney for the defendant and the law enforcement agency that investigated the case may likewise file with the clerk of the court statements of their views respecting the defendant and the crime of which he was convicted. Forthwith after the filing of such statements and reports, the clerk of the court shall mail a copy thereof, certified by such clerk, with postage

thereon prepaid, addressed to the Department of Corrections at the prison or other institution to which the person convicted is delivered. The clerk shall also mail a copy of any statement submitted by the court, district attorney, or law enforcement agency, pursuant to this section, with postage thereon prepaid, addressed to the attorney for the defendant, if any, and to the defendant in care of the Department of Corrections, and a copy of any statement submitted by the attorney for the defendant, with postage thereon prepaid, shall be mailed to the district attorney.

CHAPTER 375

An act to amend Section 812.5 of the Education Code, relating to jurisdiction over districts in two or more counties.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 812.5 of the Education Code is amended to read:

812.5. (a) Whenever any school district is situated partly within two or more counties, jurisdiction over it is, unless otherwise provided in this code, in the county superintendent of schools of the county in which the schoolhouse of the district is located, or, if there be a schoolhouse of the district in each of two or more counties, jurisdiction over the district is in the county superintendent of schools of the county in which the greatest area of the district lies.

(b) Jurisdiction once established pursuant to subdivision (a) over a school district situated in two or more counties, shall not be changed, regardless of changes in the schoolhouse maintained by the district in the several counties or changes in the areas of the several counties included within the district, except by a majority of the votes cast by the electors within the district on the proposition for change of such jurisdiction submitted at election.

CHAPTER 376

An act to amend Section 13354 of the Vehicle Code, relating to blood tests.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 13354 of the Vehicle Code is amended to read:

13354. (a) Only a physician, registered nurse or duly licensed clinical laboratory technologist or clinical laboratory bioanalyst acting at the request of a peace officer may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath specimens.

(b) The person tested may, at his own expense, have a physician, registered nurse, duly licensed clinical laboratory technologist or clinical laboratory bioanalyst or any other person of his own choosing administer a test, in addition to any administered at the direction of a peace officer, for the purpose of determining the amount of alcohol in his blood at the time alleged as shown by chemical analysis of his blood, breath or urine. The failure or inability to obtain an additional test by a person shall not preclude the admissibility in evidence of the test taken at the direction of a peace officer.

(c) Upon the request of the person tested full information concerning the test taken at the direction of the peace officer shall be made available to him or his attorney.

(d) No physician, registered nurse or duly licensed clinical laboratory technologist or clinical laboratory bioanalyst, or hospital, laboratory or clinic employing or utilizing the services of such physician, registered nurse or duly licensed laboratory technologist or clinical laboratory bioanalyst, owning or leasing the premises on which such tests are performed, shall incur any civil or criminal liability as a result of the proper administering of a blood test when requested in writing by a peace officer to administer such a test.

(e) If the test given under Section 13353 is a chemical test of urine, the person tested shall be given such privacy in the taking of the urine specimen as will insure the accuracy of the specimen and, at the same time, maintain the dignity of the individual involved.

(f) The Department of the California Highway Patrol, in cooperation with the Department of Public Health or any other appropriate agency, shall adopt uniform standards for the withdrawal, handling, and preservation of blood samples prior to analysis.

CHAPTER 377

An act to amend Section 11112 of the Penal Code, relating to reports by law enforcement agencies.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 11112 of the Penal Code is amended to read:

11112. The first agency to receive a person for booking after his arrest shall furnish the bureau daily copies of finger-

prints on standardized eight- by eight-inch cards, and descriptions of: (a) all persons who have been arrested for the commission of any offense defined in Sections 266, 267, 268, 285, 286, 288, 288a. 647a, subdivision 5 of Section 647, subdivision 3 or 4 of Section 261, or subdivision 1 or 2 of Section 311 of the Penal Code, or of any offense involving lewd and lascivious conduct under Section 272; (b) all persons arrested who in the best judgment of any such officer are wanted for serious crimes, or are fugitives from justice; (c) all persons in whose possession at the time of arrest are found goods or property reasonably believed by any such officers to have been stolen by them; (d) all persons in whose possession are found burglar outfits or burglar keys or who have in their possession high-power explosives reasonably believed to be used or intended to be used for unlawful purposes; (e) all persons who are in possession of infernal machines, bombs or other contrivances in whole or in part and reasonably believed by any said officer to be used or intended to be used for unlawful purposes; (f) all persons who carry concealed firearms or other deadly weapons which are reasonably believed to be carried for unlawful purposes; (g) all persons who have in their possession inks, dye, paper or other articles necessary in the making of counterfeit banknotes, or in the alteration of banknotes, checks, drafts or other instruments of credit; or dies, molds or other articles necessary in the making of counterfeit money, and reasonably believed to be used or intended to be used by them for such unlawful purposes.

CHAPTER 378

An act to add Section 4985 immediately following the article heading of Article 1 of Chapter 4 of Part 9 of Division 1 of, and to repeal Section 4833 of, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 4833 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 4985 is added to the Revenue and Taxation Code, immediately following the article heading of Article 1 of Chapter 4 of Part 9 of Division 1, to read:

4985. Any uncollected delinquent penalty, cost, redemption penalty, interest, or redemption fee, heretofore or hereafter attached, shall upon satisfactory proof submitted by the tax collector, the auditor, or the assessor, be canceled by the auditor on order of the board of supervisors with the written consent of the district attorney upon a showing that such delinquent penalty, cost, redemption penalty, interest, or redemp-

tion fee has attached because of an error of the tax collector, the auditor, or the assessor, or because of their inability to complete valid procedures initiated prior to the delinquency date, and upon the further showing that payment of the corrected or additional amount was made within 30 days from the date that the correction was entered on the roll or abstract record.

CHAPTER 379

An act to amend Section 580 of the Welfare and Institutions Code, relating to powers of a probation officer.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 580 of the Welfare and Institutions Code is amended to read:

580. In addition to the powers and duties of the probation officer elsewhere prescribed in this chapter, he is authorized to receive money, give his receipt therefor, deposit or invest such money as soon as practicable in the county treasury, in a commercial bank account designated and approved for such a purpose by the board of supervisors, or in investment certificates or share accounts issued by a savings and loan association doing business in this state, insured by the Federal Savings and Loan Insurance Corporation and designated and approved for such purpose by the board of supervisors, and direct the disbursement thereof, in any of the following instances:

(a) Money payable to spouse or child in an action for divorce, separate maintenance, or similar action, together with court costs and attorney's fees, upon order of a court of competent jurisdiction. Instead of designating the probation officer to act as court trustee for the receipt and disbursement of money payable to a spouse or child under this subdivision, the court may designate in its order a bonded employee of the court to act as court trustee for that purpose.

(b) Money payable to or on behalf of a ward or dependent child of the juvenile court or a person concerning whom a petition has been filed in the juvenile court. The probation officer may petition the court for approval of any past or prospective disbursement.

(c) Money payable to, by, or on behalf of probationers under the supervision of the probation officer. The probation officer may petition the court for approval of any past or prospective disbursement.

(d) Money payable to a child, wife, or indigent parent when it has been alleged or claimed that there has been a violation of either Section 270, 270a, or 270c of the Penal Code and the matter has been referred to the probation officer by the district attorney.

(e) Gifts of money made to the county to assist in the prevention or correction of delinquency or crime when the donor requests the probation officer to disburse such funds for such purposes and the board of supervisors accepts the gift upon such conditions.

(f) Other similar cases.

In addition to the foregoing, the probation officer is authorized to receive money payable to the county when ordered so to do by a court of competent jurisdiction. Such money shall be deposited or invested in the same manner as the other items set forth in this section.

If a bank account or savings and loan association investment certificate or share account is authorized pursuant to this section, the probation officer must pay into the county treasury all money collected by him or under his control during the preceding month that is payable into the treasury in conformity with Section 24353 of the Government Code.

CHAPTER 380

An act to amend Section 26625 of the Water Code, relating to irrigation district assessments.

[Approved by Governor June 25, 1968 Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 26625 of the Water Code is amended to read:

26625. The applicable part of the county assessment rolls as made by the county assessor and equalized or corrected by the board of supervisors of the State Board of Equalization shall be the basis for levying the district's assessments; provided, that in any case where the board of directors of a district has, prior to November 8, 1967, adopted a formal resolution or entered into a written agreement with an owner of land within the district providing a different basis for levying the district's assessments against the land of such owner, such resolution or agreement shall be the basis for levying the district's assessments.

CHAPTER 381

An act to amend Section 1360.1 of the Financial Code, and to amend Section 1192.1 of the Insurance Code, relating to securities which are legal investments for savings bank and incorporated insurers.

[Approved by Governor June 25, 1968 Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 1360.1 of the Financial Code is amended to read:

1360.1. An amount not exceeding 25 percent of the paid-up capital and surplus of the savings bank or not exceeding 1 percent of the bank's savings deposits, whichever is lesser, in bonds, notes or other obligations issued or assumed by the International Bank for Reconstruction and Development, the Tennessee Valley Authority, the Inter-American Development Bank, the Government Development Bank for Puerto Rico, or the Asian Development Bank.

SEC. 2. Section 1192.1 of the Insurance Code is amended to read:

1192.1. Excess funds investments may be made in bonds, notes or other obligations issued, assumed or guaranteed by the International Bank for Reconstruction and Development, or the Inter-American Development Bank, or the Government Development Bank for Puerto Rico, or the Asian Development Bank. Investments held under the authority of this section at any one time shall not be in excess of 2½ percent of the insurer's admitted assets or an amount equal to 25 percent of the total of the capital and surplus of such insurer, whichever is the lesser. Percentage or dollar value of assets and surplus as provided herein shall be determined by the insurer's last preceding annual statement of conditions and affairs filed with the commissioner pursuant to law.

CHAPTER 382

An act to amend Sections 2, 20, 32, and 34 of, and to add Sections 31.5, 31.6, and 33 1 to, the Orange County Water District Act (Chapter 924 of the Statutes of 1933), relating to the Orange County Water District.

[Approved by Governor June 25, 1968 Filed with Secretary of State June 25, 1968]

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

SECTION 1. Section 2 of the Orange County Water District Act (Chapter 924, Statutes of 1933) is amended to read:

Sec. 2. The "Orange County Water District" shall have power:

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals;

3. To adopt a seal and alter it at pleasure;

4. To take by grant, purchase, gift, devise, or lease, to hold, use and enjoy, and to lease, convey or dispose of, real and personal property of every kind, within or without the district, necessary or convenient to the full exercise of its powers;

5. Within or outside of the district to construct, purchase, lease, or otherwise acquire, and to operate and maintain necessary waterworks and other works, machinery and facilities, canals, conduits, waters, water rights, spreading grounds, lands, rights and privileges useful or necessary to replenish the underground water basin within said district, or to augment the common water supplies of said district.

6. For the common benefit of said district and for the purpose of replenishing, regulating and protecting the ground water supplies within the district to:

(a) Store water in underground water basins or reservoirs within or outside of said district;

(b) Appropriate and acquire water and water rights within or outside of said district;

(c) Purchase and import water into said district;

(d) Conserve water within or outside of said district;

(e) Buy and to sell water at such rates as shall be determined by the board of directors;

(f) Exchange water;

(g) Distribute water to persons in exchange for ceasing or reducing ground water extractions;

(h) Transport, reclaim, purify, treat or otherwise manage and control water for the beneficial use of persons or property within the district; and

(i) Fix the terms and conditions of any contract under which owners or operators of water-producing facilities within the district may agree to use water from an alternative nontributary source in lieu of ground water, and to such end the district may become a party to such a contract and may pay from district funds such portion of the cost of water from an alternate source as will encourage the purchase and use of the same in lieu of producing ground water, as long as persons or property within the district are directly or indirectly benefited by the resulting replenishment;

(j) Determine in the manner herein provided the amount and percentage of water produced from the ground water supplies within the district to the total amount of water produced within district by all persons and operators, including the total amount of water from supplemental sources; require that persons and operators produce more or less of their total water needs from the ground water within district than the basin production percentage determined by district as provided herein; levy a basin equity assessment on those persons and operators who are required by district to produce, or have in fact produced, more water from the ground water within district; and to compensate other such persons and operators who are directed by district to produce less than the basin production percentage from ground water within district.

7. To carry out the purposes of this act, to commence, maintain, intervene in, defend and compromise, in the name of said district, or otherwise, and to assume the costs and expenses of any and all actions and proceedings now or hereafter begun to

prevent interference with water or water rights used or useful to lands within said district, or diminution of the quantity or pollution or contamination of the water supply of said district, or to prevent unlawful exportation of water from said district, or to prevent any interference with the water or water rights used or useful in said district which may endanger or damage the inhabitants, lands or use of water in said district; provided, however, that said district shall not have power to intervene or take part in, or to pay costs or expenses of actions or controversies between the owners of lands or water rights all of which are entirely within the boundaries of said district and which do not involve pollution or contamination of water within said district or exporting water outside of said district's boundaries or any threat thereof.

8. To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to the exercise of any of the powers granted by this act, except that said district shall not have the right of eminent domain as to water, water rights, reservoirs, pipelines, water distributing systems, waterworks, or powerplants, all or any of which are already devoted to beneficial or public use and located within the watershed of the Santa Ana River, and excepting further from the exercise of the right of eminent domain by said district any property maintained and actually used for the scientific propagation and study of plantlife. No language or provision of this act, or of this subdivision, shall be interpreted or construed so as to limit or abridge the right of said district, or its board of directors, to exercise its right of eminent domain to condemn property at any place within the Santa Ana River watershed for rights-of-ways upon and across and under which to construct pipelines, conduits, tunnels and/or aqueducts necessary or convenient for any of the purposes of said district provided the property sought to be condemned for said purposes is not already being used by other corporations, municipalities, districts or individuals for similar purposes; providing, however, that neither said district nor its board of directors shall have power to enter in or upon the Mojave River or any of its tributaries or appropriate, take or condemn any of the water or the right to the use of any of the water of said Mojave River or any of its tributaries; nor shall anything in this act be deemed as authorizing or empowering said district or its board of directors to so do. Subject to the express limitations hereinbefore set out, in any proceedings relative to the exercise of such right of eminent domain, said district shall have the same rights, powers and privileges as a municipal corporation;

9. The district, shall in addition to the other powers herein granted by this act, have the following rights and powers: to act jointly with or cooperate with the United States or any agency thereof, the State of California or any agency thereof,

any county of the State of California, districts of any kind, public and private corporations, and any person or persons, to carry out the provisions and purposes of this act; in such joint or cooperative activities, said district may act within or outside of its boundaries;

10. To cause assessments and/or charges to be levied as hereinafter provided to accomplish the purposes of this act;

11. To make contracts, to employ labor and to do all acts necessary for the full exercise of the foregoing powers;

12. To carry on technical and other investigations of all kinds, necessary to carry out the provisions of this act, and for this purpose said district shall have the right of access through its authorized representative to all properties within said district.

SEC. 2. Section 20 of the Orange County Water District Act (Chapter 924, Statutes of 1933) is amended to read:

Sec. 20. The following funds are hereby created and established for said district to which the moneys of the district shall be deposited and applied, to wit, the general fund, the replenishment fund, the water reserve fund, the bond fund, the basin equity assessment fund, and various improvement funds. All funds collected and received by said district from the levy of said district's replenishment assessment shall be deposited with the county treasurer and applied to the replenishment fund for the use of said district. All funds collected and received by said district from the levy of said district's basin equity assessment shall be deposited with the county treasurer and applied to the basin equity assessment fund for the use of said district. All funds collected and received by said district from the levy of the general assessment, other than those derived from the portion thereof in excess of those derived from eight cents ($0.08) for each one hundred dollars ($100), or fraction thereof, of assessable property in said district as provided in Section 17 of this act, shall be deposited and applied to the general fund. All funds collected and received by said district from the levy of assessments for the payment of the principal and interest on the bonded debt of the district shall be deposited and applied to the bond fund. All funds collected and received by said district from the levy of the general assessment derived from that portion thereof in excess of eight cents ($0.08) for each one hundred dollars ($100), or fraction thereof, of assessable property in said district, as provided in Section 17 of this act, shall be deposited and applied to the water reserve fund. All other funds received by said district shall be deposited in the fund designated by the board of directors. The board of directors of said district may, from time to time, upon an affirmative vote of eight (8) of the members of said board, transfer funds in such amounts as they deem advisable from the general fund to the water reserve fund.

SEC. 3. Section 31.5 is added to the Orange County Water District Act (Chapter 924, Statutes of 1933), to read:

Sec. 31.5. Basin equity assessments, as well as production requirements and limitations on persons and operators within the district are declared to be in furtherance of district activities in the protection of water supplies for users within the district which are necessary for the public health, welfare and safety of the people of this state. The basin equity assessments, as well as the production requirements and limitations provided for herein, are authorized to be levied upon and applied to all persons and producers within such district for the benefit of all who rely directly or indirectly upon the ground water supplies of such district.

The proceeds of the basin equity assessments levied and collected shall be used exclusively as provided for herein to equalize the cost of water to all persons and operators within the district.

"Supplemental sources" as used in this act means sources of water outside the watershed of the Santa Ana River such as but not limited to water produced from the Metropolitan Water District of Southern California.

"Basin production percentage" as used in this act means the ratio that all water to be produced from ground water supplies within the district bears to all water to be produced by persons and operators within the district from supplemental sources as well as from ground water within the district during the ensuing fiscal year.

(a) Annually the district shall order an investigation and report to be prepared by an engineer or engineers employed by such district. The investigation and report shall set forth the following information, together with such other information as the district may desire, relating to the preceding fiscal year:

(1) Amount of water produced by persons and operators from ground water within district;

(2) Amount of water produced by persons and operators from supplemental sources;

(3) Amount of water produced by persons and operators from all other sources;

(4) Condition of ground water supplies within district;

(5) Information as to the probable availability of water from supplemental sources during the next succeeding fiscal year;

(6) The cost of producing water from ground water within district, including any replenishment assessment of district;

(7) The cost of water produced within the district from supplemental sources.

(b) On the second Wednesday in February of each year the engineering investigation and report provided for herein shall be delivered to the secretary of such district, in writing. The secretary shall publish, pursuant to Section 6061 of the Gov-

ernment Code, a notice of the receipt of such report and of the public hearing to be held on the second Wednesday of March, in a newspaper of general circulation printed and published within the district, at least 10 days prior to the date at which the public hearing regarding water supplies within the district shall be held. The notice, among other information which the district may provide therein, shall contain an invitation to all persons or operators within the district to call at the offices of said district to examine said engineering investigation and report. There shall be held, by the board of directors on the second Wednesday of March of each year, a public hearing at which time any person or operator within the district or any person interested in the amounts and source from which all persons and operators produce their total supply of water as well as the estimated difference in the cost of water produced from ground water within district or supplemental sources, may in person, or by representative, appear and be heard.

(c) On the second Wednesday in April of each year, the board of directors shall hold a public hearing for the purpose of determining the need and desirability of levying a basin equity assessment and the amount thereof as well as the need for establishing production requirements and limitations and the extent thereof as to each person or operator within the district for the ensuing fiscal year. In computing and fixing the amount of any such basin equity assessment the board may allow a percent not to exceed 10 percent, as shall be determine by the board of directors of the district, for delinquencies. Notice of the proposed hearing shall be published in the district pursuant to Section 6061 of the Government Code at least 10 days prior to the date set for said hearing.

Such notice shall set forth the following:

(1) That a report regarding water supplies within district has been prepared;

(2) The date, time and place of the proposed hearing;

(3) The board shall consider at said hearing the need and desirability of levying a basin equity assessment and the amount thereof as well as the need for establishing production requirements and limitations on persons and operators within the district for the ensuing fiscal year;

(4) An invitation to all persons and operators to appear at the public hearing and be heard in regard to any of the foregoing matters.

(d) At the hearing the board shall hear, take, and receive all competent evidence presented and offered in regard to the need for a basin equity assessment, production requirements and limitations in general, and specifically, the extent of such requirements or limitations as to each person or operator within the district, the amount of the basin equity assessment which shall be levied against all persons and operators for all purposes other than irrigation at a uniform rate and may be levied against all persons and operators for irrigation purposes at a

different uniform rate for the ensuing fiscal year. At the conclusion of the hearing, the board may, by adopting a resolution which resolution shall require the vote of eight members of the board, find and determine for the ensuing fiscal year as follows:

(1) The estimated total amount of water to be produced by all persons and operators within the district from the ground water within the district and the estimated amount to be produced by such persons and operators from supplemental sources;

(2) The basin production percentage;

(3) That a basin equity assessment and production requirement and limitation from ground water within the district are necessary for the protection of the water supply of district;

(4) The amount of the basin equity assessment to be levied against all persons and operators in a dollar amount per acre-foot of water produced from the ground water supply for all purposes other than irrigation and that such amount is reasonable;

(5) The amount of the basin equity assessment to be levied against all persons and operators in a dollar amount per acre-foot of water produced from the ground water supply for irrigation purposes and that such amount is reasonable;

(6) Production requirements or limitations on persons and operators within the district to be applicable during the ensuing fiscal year. Such requirements and limitations shall be expressed in a percentage of overall water produced or obtained by such persons or operators from ground water within the district and from supplemental sources;

(7) That during the ensuing fiscal year, upon the district giving published notice thereof, pursuant to Section 6061 of the Government Code in a newspaper of general circulation printed and published within district at least 10 days prior to such a hearing, a subsequent public hearing may be held to modify the basin production percentage, the basin equity assessment, or any production requirement or limitation established by the district. Such modifications, if any, shall be effective on the date established by the board and district shall give notice of such modification 10 days prior to the effective date thereof in the manner provided hereafter in subdivision (e).

The board may exclude all persons and operators who produced 25 acre-feet or less of water from ground water within district during the preceding fiscal year for all purposes other than irrigation from the levy of the basin equity assessment and the production requirements and limitations provided for herein.

The board may exclude all persons and operators who produced 25 acre-feet or less of water from ground water within the district during the preceding fiscal year for irrigation

purposes from the levy of the basin equity assessment and the production requirements and limitations provided for herein.

The findings and determinations of the board in regard to any of the foregoing shall be final, conclusive and binding upon all persons and parties.

(e) The district shall thereafter, and in any event prior to July 1 in each year, give notice to each person or operator within the district which notice shall state:

(1) The amount of the basin equity assessment per acre-foot of water produced for purposes other than irrigation and the amount of the basin equity assessment per acre-foot of water produced for irrigation purposes;

(2) The basin production percentage; and

(3) The production requirement or limitation upon the person or operator.

The notice provided for herein and the notice of any subsequent modifications may be sent by postcard or by other first class mail with postage prepaid by the district.

(f) Each person or operator within the district not excluded from the levy of the basin equity assessment and the production requirements and limitations, shall file with the district, on or before the 31st day of July of each year, a basin equity assessment report in the form prescribed by district setting forth the total amounts of water produced from ground water within the district and from supplemental sources during the preceding fiscal year by such person or operator. The statement shall be verified by a written declaration under penalty of perjury. In the event that the person or operator has been required by the district to produce or has in fact produced more water from ground water within district than the equivalent of the basin production percentage determined by district, such person or operator shall pay to district, on or before July 31, an amount determined by the number of acre-feet of water which such person or operator has produced from ground water within the district in excess of the acre-foot equivalent of the basin production percentage multiplied by the applicable basin equity assessment rate. In the event that a person or operator, pursuant to the requirement of district, has produced from ground water within district less than the equivalent of the basin production percentage, such person or operator, on or before the 30th day of September, shall be paid by district from the basin equity assessment fund an amount determined by the number of acre-feet by which the production of such person or operator from ground water as required by the district is less than the acre-foot equivalent of the basin production percentage multiplied by the applicable basin equity assessment rate.

(g) If any person or operator shall fail to pay the amount due by reason of the basin equity assessment when due, the district shall charge interest at the rate of 1 percent each month on said delinquent amount due. Should any person or operator within the district fail to file a basin equity assessment report on or before the 31st day of July of any year, the

district shall, in addition to charging interest as provided herein, assess a penalty charge against such operator in the amount of 10 percent of the amount found by said district to be due.

The district may, from time to time, require other reports from persons and operators as necessary and desirable in the application of the basin equity assessment procedures provided herein.

Upon good cause shown an amendment to any report required under this section may be filed or a correction of any such report may be made within six (6) months after the date such report was filed with the district.

SEC. 4. Section 31.6 is added to the Orange County Water District Act (Chapter 924, Statutes of 1933), to read:

Sec. 31.6. The board of directors may from time to time transfer up to a maximum of two hundred fifty thousand dollars ($250,000) to the basin equity assessment fund from the general fund in the event that there is insufficient money in the basin equity assessment fund for expenditures authorized in Section 31.5. All of the money so transferred shall be repaid to the general fund as soon as it is financially feasible to do so. It shall be financially feasible to repay the general fund when there is money in the basin equity assessment fund over and above that necessary to make expenditures, as specified in Section 31.5, and to provide a reasonable reserve for the making of such expenditures.

SEC. 5. Section 32 of the Orange County Water District Act (Chapter 924, Statutes of 1933) is amended to read:

Sec. 32. The superior court of the county in which said district lies may issue a temporary restraining order upon the filing by said district with said court of a verified petition or complaint setting forth that the person named therein as defendant is the operator of a water-producing facility which has not been registered with the district, that such defendant is delinquent in the payment of a replenishment assessment, or that the defendant is delinquent in the payment of a basin equity assessment. Such temporary restraining order shall be returnable to said court on or before ten (10) days after its issuance.

The court may issue and grant an injunction restraining and prohibiting the named defendant from the operation of any water-producing facility when it is established by the preponderance of the evidence at a hearing that the defendant has failed to register such water-producing facility with said district, that the defendant is delinquent in a replenishment assessment thereon, or has not paid or is delinquent in the payment of a basin equity assessment. Such court may provide that the injunction so made and issued shall be stayed for a period not to exceed 10 days to permit the defendant to register the water-producing facility or to pay the delinquent

replenishment assessment, or to pay the delinquent basin equity assessment.

Service of process is completed by posting a copy of the summons and complaint upon the water-producing facility or the parcel of land upon which it is located and by personal service upon the named defendant.

The right to proceed for injunctive relief granted herein is an additional right to those which may be provided elsewhere in this act or otherwise allowed by law. The procedure provided in Part 2, Title 7, Chapter 3 of the Code of Civil Procedure regarding injunctions shall be followed except insofar as it may herein be otherwise provided. Said district shall not be required to provide an undertaking or bond as a condition to granting injunctive relief.

SEC. 6. Section 34 of the Orange County Water District Act (Chapter 924, Statutes of 1933) is amended to read:

Sec. 34. Said district may bring a suit in the court having jurisdiction against any operator of a water-producing facility within said district for the collection of any delinquent replenishment assessment or basin equity assessment. The court having jurisdiction of said suit may, in addition to allowing recovery of costs to said district as allowed by law, fix and allow as part of the judgment, interest and penalties as provided in Section 29. Should said district, as a provisional remedy in bringing such suit, seek an attachment against the property of any named defendant therein, said district shall not be required to provide a bond or undertaking as is otherwise provided for in the Code of Civil Procedure of the State of California in Part 2, Title 7, Chapter 4 thereof.

SEC. 7. Section 33.1 is added to the Orange County Water District Act (Chapter 924, Statutes of 1933), to read:

Sec. 33.1. If the district has probable cause to believe that the production of water from ground water by any person or operator is less than or in excess of that disclosed by the sworn statements filed by such person or operator pursuant to Section 31.5, or if no such statements are filed by any person or operator, the district may cause an investigation and report to be made concerning the production of water by such person or operator. The district may fix the amount of water produced from ground water within the district by such person or operator at an amount not to exceed the total maximum production capacity of all water-producing facilities of such person or operator; provided, however, where a water measuring device is permanently attached to any such water-producing facility, the record of production as disclosed by such water measuring device shall be presumed to be accurate and the burden is upon said district to establish the contrary.

After such determination has been made by the district, a written notice thereof shall be mailed to such person or operator at his address as shown by the district's record. Any such determination made by the district shall be conclusive on such person or operator and any basin equity assessment due by

reason thereof, together with interest and penalties thereon, shall be payable forthwith, unless such person files with the board of directors of the district within 10 days after the mailing of such notice a written protest setting forth the ground or grounds for protesting the amount of production so fixed. Upon the filing of such protest, the board of directors thereafter shall hold a hearing at which time the total amount of water production by said person or operator shall be determined, which determination shall be conclusive if based upon substantial evidence. A notice of such hearing shall be mailed to protestant at least 10 days days before the date fixed for the hearing. Notice of the determination of the board of directors shall be mailed to each protestant.

Notice as required in this section shall be given by deposit thereof in any postal facility regularly maintained by the government of the United States in a sealed envelope postage prepaid, addressed to the person on whom it is served at his address as disclosed by the records of said district. Service is complete at the time of deposit.

CHAPTER 383

An act to amend Sections 21, 28, 29, 31, 34, and 35 of the Upper Santa Clara Valley Water Agency Law (Chapter 28, Statutes of 1962, First Extraordinary Session), relating to the Upper Santa Clara Valley Water Agency, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 21 of the Upper Santa Clara Valley Water Agency Law (Chapter 28, Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 21. The president and secretary in addition to the respective duties imposed on them by law shall perform such duties as may be imposed on them by the board of directors. The treasurer, or such other person or persons as may be authorized by the board of directors, shall draw checks or warrants to pay demands when such demands shall have been audited and approved in the manner prescribed by the board of directors.

The board of directors shall designate a depository or depositories to have the custody of the funds of the agency, all of which depositories shall give security sufficient to secure the agency against possible loss, and who shall pay the warrants drawn by the treasurer for demands against the agency under such rules as the directors may prescribe.

The general manager, secretary and treasurer, and all other employees or assistants of said agency who may be required so to do by the board of directors, shall give such bonds to the agency conditioned for the faithful performance of their duties within the following sums as the board of directors from time to time may provide:

(a) Treasurer	$5,000 to $50,000
(b) Auditor	$5,000 to $25,000
(c) Secretary	$5,000 to $10,000
(d) All others	$5,000 to $50,000

Each director shall execute a bond in favor of the agency in the sum of five thousand dollars ($5,000).

The premiums on such bonds shall be paid by the agency.

SEC. 2. Section 28 of the Upper Santa Clara Valley Water Agency Law (Chapter 28, Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 28. Whenever the board of directors deems it necessary for the agency to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act, the board shall, by resolution, so declare and call an election to be held in said agency for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of said agency. Said resolution shall state: (a) the purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance and sale of the bonds; (b) the amount of debt to be incurred; (c) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (d) the maximum rate of interest to be paid, which shall not exceed 6 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year; (e) the measure to be submitted to the voters; (f) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (g) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in such agency, then such resolution shall be posted in three public places in such agency not less than two weeks prior to the

date of the proposed election. No other notice of such election need be given. The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

SEC. 3. Section 29 of the Upper Santa Clara Valley Water Agency Law (Chapter 28, Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 29. Whenever the board of directors deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act and to provide for such bonded indebtedness to be payable from taxes levied upon less than all of the agency, the board shall, by resolution, so declare and state: (a) the purpose for which the proposed debt is to be incurred; (b) the amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance and the sale of the bonds; (c) that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such proposed improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district; (d) that taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district; (e) that a general description of the proposed improvement, together with a map showing the exterior boundaries of said proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary of the agency and is available for inspection by any person or persons interested; (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the proposed improvement and the amount of debt to

be incurred; and (g) that at the time and place specified in the resolution any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard. Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper printed and published in the agency, if there is a newspaper printed and published in such agency. Such notice shall also be given by posting a copy of said resolution in six public places within the proposed improvement district at least two weeks before the time fixed for said hearing.

At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or within the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness. The board shall have the power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of said proposed improvement district, or one or all of said matters; provided, however, that said board shall not change such boundaries so as to include any territory which will not, in its judgment, be benefited by said improvement.

The purpose, amount of bonded debt or boundaries shall not be changed by said board except after notices of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in said agency, if there is a newspaper printed and published in such agency, and by posting in six public places within said proposed improvement district. Said notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and specify the time and place for hearing on such change, which time shall be at least 10 days after publication or posting of said notice. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or the proposed improvement district, may appear and present any matters material to the changes stated in the notice. At the conclusion of the hearing the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which said proposed debt is to be incurred, the amount of the proposed debt, that the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary of the agency which map shall govern for all details as to the extent of the improve-

ment district, and that said portion of the agency set forth on said map shall thereupon constitute and be known as "Improvement District No. _____ of Upper Santa Clara Valley Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within the agency pursuant to this section, all proceedings for the purpose of a bond election shall be limited, and shall apply only to the improvement district, and taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

After the board has made its determination of the matters required to be determined by said last-mentioned resolution, and if the board deems it necessary to incur the bonded indebtedness, the board shall by a further resolution call a special election in said improvement district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district. Said resolution shall state: (a) that the board deems it necessary to incur the bonded indebtedness; (b) the purpose for which the bonded indebtedness will be incurred; (c) the amount of debt to be incurred; (d) the improvement district to be benefited by said indebtedness, as set forth in the resolution making determinations, and that a map showing the exterior boundaries of said improvement district is on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district; (e) that taxes for the payment of such bonds and the interest thereon shall be levied exclusively upon the taxable property in said improvement district; (f) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (g) the maximum rate of interest to be paid, which shall not exceed 6 percent per annum payable semiannually, except that interest for the first year may be payable at the end of the said year; (h) the measure to be submitted to the voters; (i) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (j) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the agency, if there is a newspaper printed and published in such agency. Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to the date

of the proposed election. No other notice of such election need be given.

The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of the formation of the improvement district or of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable.

SEC. 4 Section 31 of the Upper Santa Clara Valley Water Agency Law (Chapter 28, Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 31. If from the returns it appears that more than two-thirds of the votes cast in an election held pursuant to the provisions of Section 28 or of Section 29 of this act, were in favor of and assented to the incurring of such indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, issue bonds of the agency for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued. Said full amount of bonds may be divided into two or more series and different dates fixed for each of the series. The maximum term which the bonds of any series shall run before maturity shall not exceed 40 years from the date of each series respectively.

The board of directors shall, by resolution, prescribe the form of the bonds and the form of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than five years from the date of the bonds or the date of the bonds of each series respectively. The bonds shall bear interest at a rate or rates not to exceed six percent (6%) per annum, payable semiannually, except that interest for the first year may be payable at the end of said year. The board of directors may also provide for call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or

redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars ($100). The principal and interest shall be payable in lawful money of the United States at the office of the treasurer of the district or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

The bonds shall be dated, numbered consecutively, and be signed by the president and treasurer of the agency, countersigned by the secretary of the agency, and the official seal of the agency attached. The interest coupons of such bonds shall be signed by the treasurer of said agency. All such signatures and countersignatures may be printed, lithographed, or mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed.

If the bond election proceedings have been limited to and have applied only to an improvement district within said agency, said bonds are bonds of the agency and shall be issued in the name of the agency and shall be designated "Bonds of the Upper Santa Clara Valley Water Agency for Improvement District No. _____" and each bond and all interest coupons thereof shall state that taxes levied for the payment thereof shall be levied exclusively upon the taxable property in said improvement district.

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

The proceeds arising from the sale of bonds shall be paid into the treasury of the agency and placed to the credit of a special improvement fund and expended only for the purpose for which the indebtedness was created; provided, however, that when said purpose has been accomplished any moneys remaining in said special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds. Said remaining moneys remaining from the sale of bonds of the agency may also be used for some other agency purpose. Such moneys remaining from the sale of bonds of the agency for an improvement district therein may also be used for any purpose which will benefit the property in the improvement district. Said moneys may not be used for said other agency purpose or improvement district purpose until two-thirds of the qualified voters of said agency or improvement district have consented thereto at a special election called in said agency or improvement district by the board of directors. Notice of said election shall be given in the

manner provided for bond elections in said agency or improvement district, as the case may be, and in other respects the election shall be conducted as are other agency elections.

SEC. 5. Section 34 of the Upper Santa Clara Valley Water Agency Law (Chapter 28, Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 34. The board of directors may advance general funds of the agency to accomplish the purposes of an improvement district formed in accordance with Section 29 or 33 and, if the improvement district is formed under Section 29, may repay the agency from the proceeds of the sale of bonds authorized for such purpose, or if the improvement district is formed under Section 33 may, in the formation of such improvement district, provide that the agency shall be repaid with interest at not to exceed 6 percent from the special taxes levied exclusively upon the taxable property in said improvement district.

SEC. 6. Section 35 of the Upper Santa Clara Valley Water Agency Law (Chapter 28, Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 35. Interest on any bonds issued by the agency coming due before the proceeds of a tax levied at the next general tax levy after the sale of said bonds are available, may be paid from the proceeds of the sale of such bonds; provided that not more than six percent (6%) of the proceeds of any sale of the bonds shall be used for said purpose.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Upper Santa Clara Valley Water Agency is one of the contractors with the State of California under a water supply contract for delivery of water from the State Water Project. There is an urgent need for financing and construction of the facilities necessary to take delivery of water from the facilities of the State Water Project and deliver such water to the users within the boundaries of the agency. To accomplish the objectives of the agency it is necessary to liberalize the bonding provisions of the act to meet the existing realities of the bond market and in order to do so it is necessary that the maximum rate of interest which bonds of the agency may bear be increased.

CHAPTER 384

An act to amend Sections 947 and 951 of the Government Code, relating to public entities.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 947 of the Government Code is amended to read:

947. (a) At any time after the filing of the complaint in any action against a public entity, the public entity may file and serve a demand for a written undertaking on the part of each plaintiff as security for the allowable costs which may be awarded against such plaintiff. The undertaking shall be in the amount of one hundred dollars ($100) for each plaintiff or in the case of multiple plaintiffs in the amount of two hundred dollars ($200), or such greater sum as the court shall fix upon good cause shown, with at least two sufficient sureties, to be approved by the court. Unless the plaintiff files such undertaking within 20 days after service of a demand therefor, his action shall be dismissed.

(b) This section does not apply to an action commenced in a small claims court.

SEC. 2. Section 951 of the Government Code is amended to read:

951. (a) At any time after the filing of the complaint in any action against a public employee or former public employee, if a public entity undertakes to provide for the defense of the action, the attorney for the public employee may file and serve a demand for a written undertaking on the part of each plaintiff as security for the allowable costs which may be awarded against such plaintiff. The undertaking shall be in the amount of one hundred dollars ($100), or such greater sum as the court shall fix upon good cause shown, with at least two sufficient sureties, to be approved by the court. Unless the plaintiff files such undertaking within 20 days after service of the demand therefor, his action shall be dismissed.

(b) This section does not apply to an action commenced in a small claims court.

CHAPTER 385

An act to repeal Title 13 (commencing with Section 934) of Part 2 of, and to add Title 13 (commencing with Section 901) to Part 2 of, the Code of Civil Procedure, relating to appeals in civil action.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Title 13 (commencing with Section 934) of Part 2 of the Code of Civil Procedure is repealed.

SEC. 2. Title 13 (commencing with Section 901) is added to Part 2 of the Code of Civil Procedure, to read:

TITLE 13. APPEALS IN CIVIL ACTIONS

CHAPTER 1. APPEALS IN GENERAL

901. A judgment or order in a civil action or proceeding may be reviewed as prescribed in this title. The Judicial Council shall prescribe rules for the practice and procedure on appeal not inconsistent with the provisions of this title.

902. Any party aggrieved may appeal in the cases prescribed in this title. A party appealing is known as an appellant, and an adverse party as a respondent.

903. In the event of the death of any person who would, if still alive, have a right of appeal, either the attorney of record representing the decedent in the court in which the judgment was rendered, or the executor or administrator of the estate of the decedent, may file a notice of appeal therefrom within the time within which the decedent could have filed such a notice if he had survived.

904. An appeal may be taken in a civil action or proceeding as provided in Sections 904.1, 904.2, 904.3, 904.4 and 904.5.

904.1. An appeal may be taken from a superior court in the following cases:

(a) From a judgment, except (1) an interlocutory judgment, other than as provided in subdivisions (h), (i) and (j), (2) a judgment of contempt which is made final and conclusive by Section 1222, or (3) a judgment on appeal from a municipal court or a justice court or a small claims court;

(b) From an order made after a judgment made appealable by subdivision (a);

(c) From an order granting a motion to quash service of summons;

(d) From an order granting a new trial or denying a motion for judgment notwithstanding the verdict;

(e) From an order discharging or refusing to discharge an attachment;

(f) From an order granting or dissolving an injunction, or refusing to grant or dissolve an injunction;

(g) From an order appointing a receiver;

(h) From an interlocutory judgment, order, or decree, hereafter made or entered in an action to redeem real or personal property from a mortgage thereof, or a lien thereon, determining such right to redeem and directing an accounting;

(i) From an interlocutory judgment in an action for partition determining the rights and interests of the respective parties and directing partition to be made;

(j) From an interlocutory decree of divorce;

(k) From an order or decree made appealable by the provisions of the Probate Code.

904.2. An appeal may be taken from a municipal court in the following cases:

(a) From a judgment, except (1) an interlocutory judgment, or (2) a judgment of contempt which is made final and conclusive by Section 1222;

(b) From an order made after a judgment made appealable by subdivision (a);

(c) From an order changing or refusing to change the place of trial;

(d) From an order granting a motion to quash service of summons;

(e) From an order granting a new trial or denying a motion for judgment notwithstanding the verdict;

(f) From an order discharging or refusing to discharge an attachment;

(g) From an order granting or dissolving an injunction, or refusing to grant or dissolve an injunction;

(h) From an order appointing a receiver;

(i) From a judgment of the small claims court as provided in Chapter 5A (commencing with Section 116), Title 1, Part 1 of this code.

904.3. An appeal may be taken from a justice court in the following cases:

(a) From a judgment, except (1) an interlocutory judgment, or (2) a judgment of contempt which is made final and conclusive by Section 1222;

(b) From an order made after a judgment made appealable by subdivision (a);

(c) From an order changing or refusing to change the place of trial;

(d) From an order granting a motion to quash service of summons;

(e) From an order denying a motion for judgment notwithstanding the verdict;

(f) From an order discharging or refusing to discharge an attachment;

(g) From an order appointing a receiver;

(h) From a judgment of the small claims court as provided in Chapter 5A (commencing with Section 116), Title 1, Part 1 of this code.

904.4. An appeal may also be taken from a judgment other than an interlocutory judgment of a justice court on questions of fact or on questions of both law and fact. On such appeal the matter shall be tried anew.

904.5. Appeals from the small claims court of a municipal court and of a justice court shall be governed by the provisions of Chapter 5A (commencing with Section 116), Title 1, Part 1 of this code.

905. An appeal from a judgment in a justice court pursuant to Section 904.4 is not effective for any purpose unless an undertaking is filed in the sum of one hundred dollars ($100) for the payment of costs on appeal, including any

damages awarded under Section 907. The undertaking shall be in addition to any other undertaking required or permitted under the provisions of this title.

The undertaking shall be filed within five days after the filing of the notice of appeal, and notice of the filing of the undertaking shall be given to the respondent. The provisions of Section 922 shall apply to this undertaking. A cash deposit in the sum of one hundred dollars ($100) with the clerk, or if there be no clerk, with the judge of the justice court, will satisfy the requirement of this section. The judge of the justice court shall transmit such money to the clerk of the superior court to be paid out by him on the order of the reviewing court.

906. Upon an appeal pursuant to Section 904.1, 904.2 or 904.3, the reviewing court may review the verdict or decision and any intermediate ruling, proceeding, order or decision which involves the merits or necessarily affects the judgment or order appealed from or which substantially affects the rights of a party, including, on any appeal from the judgment, any order on motion for a new trial, and may affirm, reverse or modify any judgment or order appealed from and may direct the proper judgment or order to be entered, and may, if necessary or proper, direct a new trial or further proceedings to be had. The respondent, or party in whose favor the judgment was given, may, without appealing from such judgment, request the reviewing court to and it may review any of the foregoing matters for the purpose of determining whether or not the appellant was prejudiced by the error or errors upon which he relies for reversal or modification of the judgment from which the appeal is taken. The provisions of this section do not authorize the reviewing court to review any decision or order from which an appeal might have been taken.

907. When it appears to the reviewing court that the appeal was frivolous or taken solely for delay, it may add to the costs on appeal such damages as may be just.

908. When the judgment or order is reversed or modified, the reviewing court may direct that the parties be returned so far as possible to the positions they occupied before the enforcement of or execution on the judgment or order. In doing so, the reviewing court may order restitution on reasonable terms and conditions of all property and rights lost by the erroneous judgment or order, so far as such restitution is consistent with rights of third parties and may direct the entry of a money judgment sufficient to compensate for property or rights not restored. The reviewing court may take evidence and make findings concerning such matters or may, by order, refer such matters to the trial court for determination.

909. In all cases where trial by jury is not a matter of right or where trial by jury has been waived, the reviewing court may make findings of fact contrary to or in addition

to those made by the trial court. Such findings may be based on the evidence adduced before the trial court either with or without the taking of evidence by the reviewing court. The reviewing court may for the purpose of making such findings of fact or for any other purpose in the interests of justice, take additional evidence of or concerning facts occurring at any time prior to the decison of the appeal, and may give or direct the entry of any judgment or order and may make such further or other order as the case may require. This section shall be liberally construed to the end among others that, where feasible, causes may be finally disposed of by a single appeal and without further proceedings in the trial court except where in the interests of justice a new trial is required on some or all of the issues.

910. When a party appeals on questions of fact or on questions of both law and fact from a justice court, pursuant to Section 904.4, the matter shall be tried anew in the superior court to which the appeal is taken. When a party appeals on questions of law alone from a justice court pursuant to Section 904.3, and a new trial is ordered by the reviewing court, it shall be had in the superior court to which the appeal is taken. Judgment rendered in the superior court after trial anew on appeal or upon a new trial shall have the same force and effect and may be enforced in the same manner as a judgment in an action commenced in the superior court except that no further review shall lie from such a judgment of the superior court other than as provided in Section 911.

911. A court of appeal may order any case on appeal within the original jurisdiction of the municipal and justice courts in its district transferred to it for hearing and decision as provided by rules of the Judicial Council when the superior court certifies, or the court of appeal determines, that such transfer appears necessary to secure uniformity of decision or to settle important questions of law.

No case in which there is a right on appeal to a trial anew in the superior court shall be transferred pursuant to this section before a decision in such case becomes final therein.

A court to which any case is transferred pursuant to this section shall have similar power to review any matter and make orders and judgments as the superior court would have in such case, except that if the case was tried anew in the superior court, the reviewing court shall have similar power to review any matter and make orders and judgments as it has in a case within the original jurisdiction of the superior court.

912. Upon final determination of an appeal by the reviewing court, the clerk of the court shall remit to the trial court a certified copy of the judgment or order of the reviewing court and of its opinion, if any. The clerk of the trial court, or the judge, if there be no clerk, shall file such certified copy of the judgment and opinion of the reviewing court, shall attach the same to the judgment roll if the appeal was from a

judgment, and shall enter a note of the judgment of the reviewing court stating whether the judgment or order appealed from has been affirmed, reversed or modified, in the margin of the original entry of such judgment or order, and also in the register of actions or docket.

913. The dismissal of an appeal shall be with prejudice to the right to file another appeal within the time permitted, unless the dismissal is expressly made without prejudice to another appeal.

914. When the right to a phonographic report has not been waived and when it shall be impossible to have a phonographic report of the trial transcribed by a stenographic reporter as provided by law or by rule, because of the death or disability of a reporter who participated as a stenographic reporter at the trial or because of the loss or destruction, in whole or in substantial part, of the notes of such reporter, the trial court or a judge thereof, or the reviewing court shall have power to set aside and vacate the judgment, order or decree from which an appeal has been taken or is to be taken and to order a new trial of the action or proceeding.

CHAPTER 2. STAY OF ENFORCEMENT AND OTHER PROCEEDINGS

916. (a) Except as provided in Sections 917 1 through 917.9, the perfecting of an appeal stays proceedings in the trial court upon the judgment or order appealed from or upon the matters embraced therein or affected thereby, including enforcement of the judgment or order, but the trial court may proceed upon any other matter embraced in the action and not affected by the judgment or order.

(b) A stay of proceedings shall release from levy property which has been levied upon under execution issued upon such judgment.

(c) When there is a stay of proceedings other than the enforcement of the judgment, the trial court shall have jurisdiction of proceedings related to the enforcement of the judgment as well as any other matter embraced in the action and not affected by the judgment or order appealed from.

917.1. The perfecting of an appeal shall not stay enforcement of the judgment or order in the trial court if the judgment or order is for money or directs the payment of money, whether consisting of a special fund or not, and whether payable by the appellant or another party to the action, unless an undertaking is given on condition that if the judgment or order or any part of it is affirmed or the appeal is withdrawn or dismissed, the party ordered to pay shall pay the amount directed to be paid by the judgment or order, or the part of it as to which the judgment or order is affirmed. Such undertaking shall be for double the amount of the judgment or order unless given by a corporate surety authorized to execute the same by Section 1056 in which event it shall be for one and one-half times the amount of the judgment or order. If the

party ordered to pay does not make such payment within 30 days after the filing of the remittitur from the reviewing court in the trial court, on motion of the respondent judgment may be entered in his favor on the undertaking for such amount, together with the interest as may be due thereon and the damages and costs which may be awarded against the appellant on appeal, but not to exceed the amount of the undertaking.

If the judgment or order appealed from be for an amount in excess of two thousand dollars ($2,000) and the sureties do not state in their affidavits of justification accompanying the undertaking that they are each worth the amount specified in the undertaking, the stipulation may be that the judgment to be entered against the sureties shall be for such amounts only as in their affidavits they may state that they are severally worth, and judgment may be entered against the sureties by the court from which the appeal is taken, pursuant to the stipulations herein designated.

917.2. The perfecting of an appeal shall not stay enforcement of the judgment or order of the trial court if the judgment or order appealed from directs the assignment or delivery of personal property, including documents, whether by the appellant or another party to the action, or the sale of personal property upon the foreclosure of a mortgage or other lien thereon, unless the property is placed in the custody of an officer designated by the trial court to abide the order of the reviewing court or an undertaking in a sum and upon conditions fixed by the trial court, is given that the appellant or party ordered to assign or deliver the property will obey the order of the reviewing court. If the judgment or order appealed from directs the sale of perishable property the trial court may order such property to be sold and the proceeds thereof to be deposited with the clerk of the trial court to abide the order of the reviewing court.

917.3. The perfecting of an appeal shall not stay enforcement of the judgment or order in the trial court if the judgment or order appealed from directs the execution of one or more instruments unless the instrument or instruments are executed and deposited in the office of the clerk of the court where the original judgment or order is entered to abide the order of the reviewing court.

917.4. The perfecting of an appeal shall not stay enforcement of the judgment or order in the trial court if the judgment or order appealed from directs the sale, conveyance or delivery of possession of real property which is in the possession or control of the appellant or the party ordered to sell, convey or deliver possession of such property, unless an undertaking in a sum fixed by the trial court is given that the appellant or party ordered to sell, convey or deliver possession of such property will not commit or suffer to be committed any waste thereon and that if the judgment or order appealed from is affirmed, or the appeal is withdrawn or dismissed, the appel-

lant shall pay the damage suffered by such waste and the value of the use and occupancy of such property, or the part of it as to which the judgment or order is affirmed, from the time of the taking of the appeal until the delivery of the possession of the property. If such judgment or order directs the sale of mortgaged real property and the payment of any deficiency, the undertaking shall also provide for the payment of any deficiency. However, the surety shall not be held liable for an amount in excess of the undertaking.

917.5. The perfecting of an appeal shall not stay enforcement of the judgment or order in the trial court if the judgment or order appealed from appoints a receiver, unless an undertaking in a sum fixed by the trial court is given that if the judgment or order is affirmed or the appeal is withdrawn, or dismissed, the appellant will pay all damages which the respondent may sustain by reason of such stay, but not to exceed the amount of the undertaking. However, the surety shall not be held liable for an amount in excess of the undertaking.

917.6. The perfecting of an appeal shall not stay enforcement of the judgment or order in the trial court if the judgment or order appealed from directs the performance of two or more of the acts specified in Sections 917.1 through 917.5, unless the appellant complies with the requirements of each applicable section.

917.7. The perfecting of an appeal shall not stay proceedings as to those provisions of a judgment or order which award, change or otherwise affect the custody, including the right of visitation, of a minor child in any civil action, in an action filed under the Juvenile Court Law, or in a special proceeding, or the provisions of a judgment or order for the temporary exclusion of a party from the family dwelling or the dwelling of the other party, as provided in Section 157 of the Civil Code; provided, the trial court may in its discretion stay execution of such provisions pending review on appeal or for such other period or periods as to it may appear appropriate; provided further, that in the absence of a writ or order of a reviewing court providing otherwise, the provisions of such judgment or order allowing, or eliminating restrictions against, removal of the minor child from the state are stayed by operation of law for a period of 30 days from the entry of the judgment or order and are subject to any further stays ordered by the trial court, as herein provided.

917.8. The perfecting of an appeal shall not stay proceedings, in the absence of an order of the trial court providing otherwise or of a writ of supersedeas, where a party to the proceeding has been adjudged guilty of usurping, or intruding into, or unlawfully holding a public office, civil or military within this state, or where the judgment or order directs a corporation or its officers or agents, or any of them, to give to a person adjudged to be a director, stockholder or member of such corporation a reasonable opportunity to inspect or make

copies of such books, papers or documents of the corporation as the trial court finds that such director, stockholder or member is entitled by law to inspect or copy, or where the judgment or order adjudges a building or place to be a nuisance, and as part of such judgment or order directs the closing or discontinuance of any specific use of the building or place for any period of time.

917.9. The perfecting of an appeal shall not stay enforcement of the judgment or order in cases not provided for in Sections 917.1 through 917.8 if the trial court, in its discretion, requires an undertaking and such undertaking is not given. The undertaking shall be in a sum fixed by the court and shall provide that if the judgment or order appealed from or any part of it is affirmed, or the appeal is withdrawn or dismissed, the appellant will pay all damages which the respondent may sustain, by the taking of such appeal, but not to exceed the amount of the undertaking.

918. The trial court may stay the enforcement of any judgment or order; provided that if the enforcement of such judgment or order would be stayed on appeal only by the giving of an undertaking, a trial court shall not have power, without the consent of the adverse party, to stay the enforcement thereof pursuant to this section for a period which extends for more than 10 days beyond the last date on which a notice of appeal could be filed.

919. The trial court may, in its discretion, dispense with or limit the security required by any section in this chapter, when the appellant is an executor, administrator, trustee, guardian, conservator or other person acting in another's right.

920. In all cases where an undertaking is required or permitted by the provisions of this title, a deposit in the trial court of the amount of the undertaking provided for by any section of this title, or where the amount of such undertaking is to be fixed by the court, then of the amount so fixed, shall be equivalent to filing the undertaking. Any undertaking required in this title may be waived in writing by the party to be benefited thereby.

921. An appeal by a party who has levied an attachment shall not continue in force the attachment, unless an undertaking be executed and filed on the part of the appellant that the appellant will pay all costs and damages which the respondent may sustain by reason of the attachment, in case the order of the court below be sustained in favor of the respondent; and unless, within five days after written notice of the entry of the order appealed from, such appeal shall be perfected. The amount of the undertaking on appeal required by this section shall be such amount as is fixed by the trial court on motion of the respondent as provided in Section 553 of this code and if no such order shall have been made, the undertaking shall be in double the amount of the debt claimed

by the appellant. If the respondent is not satisfied with the undertaking in double the amount of the debt or the amount fixed by order under Section 553, the trial court upon motion of the respondent made within 60 days after perfecting the appeal may order an increase in the amount of the undertaking in such amount as is justified by the detriment reasonably to be anticipated by continuing the attachment. If such an order be made, the attachment shall be discharged and the property released therefrom, unless the undertaking shall be executed and filed within 10 days after the order is made. The sureties on any undertaking required for the purpose of continuing an attachment may be required to justify as provided in Section 922 and if they fail to do so, the order of attachment shall be discharged.

922. An undertaking required or permitted by this title shall be entered into by two or more sureties. A respondent may except to the sufficiency of the sureties at any time within 10 days after notice of the filing of such undertaking; and unless they or other sureties, within 10 days after the appellant has been served with notice of such exception, justify before a judge of the trial court, upon 5 days notice to the respondent of the time and place of justification, enforcement of the judgment or order appealed from is no longer stayed and property which has been levied upon under execution issued upon such judgment shall not be released from levy. When a bond or undertaking required by law or order of any court is executed in an amount greater than that required, the surety shall be liable upon such bond or undertaking in the same manner and to the same extent as though it had been executed in the amount required by such law or order of the court.

923. The provisions of this chapter shall not limit the power of a reviewing court or of a judge thereof to stay proceedings during the pendency of an appeal or to issue a writ of supersedeas or to suspend or modify an injunction during the pendency of an appeal or to make any order appropriate to preserve the status quo, the effectiveness of the judgment subsequently to be entered, or otherwise in aid of its jurisdiction.

SEC. 3. In any case in which a provision of Title 13 (commencing with Section 901) of Part 2 of the Code of Civil Procedure, as enacted by this act, or any application thereof, is held invalid, the applicable procedure in such case shall be that which was prescribed by Title 13 (commencing with Section 934) of Part 2 of the Code of Civil Procedure, repealed by this act, as such title read immediately prior to repeal.

CHAPTER 386

An act to add Section 1754.5 to the Streets and Highways Code, relating to ferries.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 1754.5 is added to the Streets and Highways Code, to read:

1754.5. When a navigable bay forms a boundary between two counties of this state, the boards of supervisors of such counties may establish and operate any ferry across such bay, subject to any restrictions in Article 7 (commencing with Section 30350) of Chapter 1 of Division 17 of this code, or in any bond resolution of the California Toll Bridge Authority, which may be applicable.

CHAPTER 387

An act to add Section 657.1 to the Code of Civil Procedure, relating to new trials.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 657.1 is added to the Code of Civil Procedure, to read:

657.1. A new trial may also be granted as provided in Section 914 of this code.

SEC. 2. Section 1 of this act shall become operative only if Senate Bill No. 442 is enacted by the Legislature at its 1968 Regular Session, and in such case at the same time that Senate Bill No. 442 takes effect.

CHAPTER 388

An act to add Section 1692.1 to the Insurance Code, relating to insurance.

[Approved by Governor June 25, 1968. Filed with Secretary of State June 25, 1968.]

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

SECTION 1. Section 1692.1 is added to the Insurance Code, to read:

1692.1. The commissioner may suspend the privilege of an insurer to certify to the enrollment of applicants in any course

of study and instruction pursuant to Section 1690 if after notice and hearing it is determined that more than 66⅔ percent of the certificate of convenience holders so certified by the insurer during any calendar year fail for any reason to qualify for permanent licenses during a period of six months following issuance of a certificate of convenience to each such holder. During any period of suspension of such privilege of an insurer the insurer is also prohibited from appointing any holder of a certificate of convenience to act as its agent.

Any such suspension may be terminated by order of the commissioner when it has been demonstrated to the commissioner's satisfaction that the insurer has established procedures both to assure proper training of its prospective agents to enable them to pass the qualifying license examination and to insure proper selection of prospective agents to the end that a reasonable proportion of those selected will in good faith pursue the course of study and actually attempt to pass the qualifying examination.

This section shall not apply to an insurer during any calendar year in which such insurer certified, pursuant to Section 1690, 25 or fewer applicants.

Proceedings under this section shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

CHAPTER 389

An act to amend Section 2107.2 of the Streets and Highways Code, relating to streets and highways.

[Approved by Governor June 26, 1968. Filed with Secretary of State June 26, 1968.]

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

SECTION 1. Section 2107.2 of the Streets and Highways Code is amended 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 and if requested to do so by the city or city and county, 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 fiscal year.

This section does not apply to counties.

CHAPTER 390

An act to add Section 6421 to the Labor Code, relating to crane boomstops.

[Approved by Governor June 26, 1968. Filed with Secretary of State June 26, 1968.]

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

SECTION 1. Section 6421 is added to the Labor Code, to read:

6421. All cranes with cable-controlled booms and with rated lifting capacity of more than 10 tons shall be equipped with telescopic ram boomstops mounted to the gantry or "A" frame and secured to the boom.

On all cranes with a rated lifting capacity of over 10 tons but not more than 25 tons, the boomstop shall provide a gradual buildup of pressure from zero at approximately 70 degrees of boom elevation to 4,000 pounds or more at 82 degrees of boom angle.

On all cranes with a rated lifting capacity of more than 25 tons, but not more than 60 tons, the boomstop shall provide a gradual buildup of pressure from zero at approximately 70 degrees of boom elevation to 6,000 pounds or more at 82 degrees of boom angle.

On all cranes with a rated lifting capacity of more than 60 tons, the boomstop shall provide a gradual buildup of pressure from zero at approximately 70 degrees of boom elevation to 8,000 pounds or more at 82 degrees of boom angle.

CHAPTER 391

An act to amend Section 692 of the Code of Civil Procedure, relating to notice of sale under execution.

[Approved by Governor June 26, 1968. Filed with Secretary of State June 26, 1968.]

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

SECTION 1. Section 692 of the Code of Civil Procedure is amended to read:

692. Before the sale of property on execution or under power contained in any deed of trust on real property or a leasehold estate therein or any mortgage on real property or a leasehold estate therein, notice thereof must be given as follows:

1. In case of perishable property: by posting written notice of the time and place of sale in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the judicial district in which the property is to be sold, for such time as may be reasonable, considering the character and condition of the property.

2. In case of other personal property: by posting a similar notice in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the judicial district in which the property is to be sold, for not less than five days nor more than 10 days.

3. In case of real property or a leasehold estate therein: by posting a similar notice particularly describing the property at least 20 days before the date of sale, in one public place in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in one public place in the judicial district in which the property is to be sold and publishing a copy thereof once a week for the same period, in some newspaper of general circulation published in the city in which the property or the real property in which such a leasehold estate was demised or some part thereof is situated, if any part thereof is situated in a city, if not, then in some newspaper of general circulation published in the judicial district in which the property or some part thereof is situated, or, in case no newspaper of general circulation is published in the city or judicial district, as the case may be, in some newspaper of general circulation published in the county in which the property or some part thereof is situated; provided, that where real property is to be sold under power of sale contained in any deed of trust or under power of sale contained in a mortgage or where real property is to be sold under execution upon a judgment a copy of said notice shall be posted in some conspicuous place on the property to be sold, at least 20 days before date of sale, and where a leasehold

estate in real property is to be sold under such a power of sale or execution upon a judgment a copy of said notice shall be posted in some conspicuous place on the real property in which such a leasehold estate was demised, at least 20 days before date of sale. The term newspaper of general circulation as used herein is as defined in Article 1 (commencing with Section 6000) of Chapter 1, Division 7, Title 1 of the Government Code.

4. When the judgment under which the property is to be sold is made payable in a specified kind of money or currency, the several notices required by this section must state the kind of money or currency in which bids may be made at such sale, which must be the same as that specified in the judgment.

SEC. 2. The amendments set forth in Section 1 hereof are merely declaratory of existing law and are not to be construed as changes in the construction of said law prior to the amendment hereof.

CHAPTER 392

An act declaring the interest of the people of the state in the Salton Sea and creating the Salton Sea Advisory Committee, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 26, 1968. Filed with Secretary of State June 26, 1968.]

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

SECTION 1. The term "Salton Sea" as used in this act includes the area of the Salton Sea and lands adjacent thereto.

SEC. 2. The Legislature finds and declares that the primary use of the Salton Sea area is for collection of agricultural drainage, seepage, leaching and control waters.

SEC. 3. The Legislature further finds and declares that other uses of the Salton Sea include recreation and fish and wildlife development, enhancement, and preservation.

SEC. 4. There is hereby created the Salton Sea Advisory Committee, hereafter in this act referred to as the "committee."

SEC. 5. The committee shall consist of the following members:

(a) Six members appointed by the Board of Supervisors of Riverside County, two of whom shall be representatives of the County of Riverside and four of whom shall be interested members of the public.

(b) Six members appointed by the Board of Supervisors of Imperial County, two of whom shall be representatives of the County of Imperial and four of whom shall be interested members of the public.

(c) Two members appointed by the Board of Directors of the Coachella Valley County Water District.

(d) Two members appointed by the Board of Directors of the Imperial Irrigation District.

SEC. 6. The Boards of Supervisors of Riverside and Imperial Counties shall appoint to the extent feasible, as the public members of the committee, persons who shall represent farming, conservation and recreation, the owners of resort establishments located at or near the Salton Sea, and private landowners.

SEC. 7. The members of the committee shall serve at the pleasure of their respective appointing powers.

SEC. 8. The committee shall adopt its own rules of procedure and shall elect a chairman from among its members The committee shall meet at such times and in such places as it may deem necessary.

SEC. 9. The Resources Agency shall keep the Salton Sea Advisory Committee fully informed on all matters pertaining to the Salton Sea and shall consult with and seek the advice of the advisory committee with respect to all such matters.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The problems of the Salton Sea relating to collection of agricultural drainage, seepage, leaching and control of its waters are such that they require immediate attention. It is therefore necessary that this act take immediate effect.

CHAPTER 393

An act to amend Section 18682 of, and to add Section 484 to, the Agricultural Code, relating to meat inspection, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 26, 1968. Filed with Secretary of State June 26, 1968.]

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

SECTION 1. Section 484 is added to the Agricultural Code, to read:

484. The director may enter into cooperative agreements with departments, divisions, bureaus, boards, or commissions of the United States for the purpose of administering meat or poultry meat inspection programs to protect the public from uninspected, adulterated, or misbranded meat and poultry meat and products thereof.

SEC. 2. Section 18682 of the Agricultural Code is amended to read:

18682. The regulations which are adopted pursuant to this chapter shall conform, so far as possible, to the rules, regulations and standards of the United States Department of Agriculture which govern the inspection, preparation, and processing of meat and meat food products.

Notwithstanding any provision of law to the contrary, the director may adopt by regulation standards and requirements equal to those of the Federal Meat Inspection Act (34 Stat. 1260, as amended by the Wholesome Meat Act, 81 Stat. 584), including, but not limited to, standards and requirements of inspection, sanitation, reinspection, preparation, processing, buying, selling, transporting, storing, identification, record-keeping, registration, and labeling. The regulations shall not be less restrictive than state statutory requirements. The director is authorized to enter into cooperative agreements with the Secretary of Agriculture of the United States to enforce such standards and requirements in this state.

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

In order for the Director of Agriculture to make any changes in state inspection regulations to meet new federal standards as soon as possible, in order to qualify for federal funds, this act must take effect immediately.

CHAPTER 394

An act to amend Section 28120 of the Government Code, relating to county officials.

[Approved by Governor June 27, 1968. Filed with Secretary of State June 27, 1968.]

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

SECTION 1. Section 28120 of the Government Code is amended to read:

28120. In a county of the 20th class the following shall receive as compensation for services required of them by law or by virtue of their offices the following sums:

(a) The auditor, sixteen thousand five hundred dollars ($16,500) a year.

(b) The district attorney, twenty-one thousand five hundred dollars ($21,500) a year. He shall devote his entire time to the duties of his office, and shall not engage in private law practice.

(c) Each supervisor, including the chairman, thirteen thousand two hundred dollars ($13,200) a year for all services required by law or by virtue of the office, and to each supervisor seven cents ($0.07) a mile in traveling to and from his place of residence to the courthouse on each day of a board meeting.

Each member of the board of supervisors shall devote his entire time, during the business hours of the day, to the duties of his office.

Any supervisor when required to travel within or without the county on official business of the county may use or travel in any vehicle owned and maintained by the county for official purposes. When traveling on official business the expense of maintenance and upkeep of such automobiles and of all necessary supplies shall be borne by the county.

(d) The fees for jurors shall be as follows:

For each day's attendance as a trial juror in the superior court, or in a justice court in civil and criminal cases, six dollars ($6) per day.

For each mile actually and necessarily traveled each day in attending court as a juror and returning therefrom, seven and one-half cents ($0.075).

For acting as a grand juror each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, five dollars ($5), and ten cents ($0.10) for each mile actually traveled. A grand juror excused at his own request is not entitled to a per diem fee, but is entitled to mileage, ten cents ($0.10) for each mile actually and necessarily traveled.

The compensation provided for by this section shall be paid to incumbent officers.

SEC. 2. Notwithstanding Sections 28160 and 53071 of the Government Code, the salary increase granted to the board of supervisors by the amendment of Section 28120 of the Government Code at the 1968 Regular Session of the Legislature shall not become effective until a supervisor shall have entered upon a new term of office on such board after the effective date of this act.

CHAPTER 395

An act to add Section 13885 to the Health and Safety Code, relating to fire districts' building contracts.

[Approved by Governor June 27, 1968. Filed with Secretary of State June 27, 1968.]

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

SECTION 1. Section 13885 is added to the Health and Safety Code, to read as follows:

13885. All contracts for the construction or completion of any building, structure, or improvement, when the expenditure required for the work exceeds three thousand dollars ($3,000), shall be contracted for and let to the lowest responsible bidder after notice. The notice inviting bids shall set a date for the opening of bids. The first publication or posting of the notice shall be at least 10 days before the date of opening the bids. Notice shall be published at least twice, not less than five days apart, in a newspaper of general circulation, printed and published in the district, or if there is none, it shall be posted in at least three public places in the district that have been designated by the district board as the places for posting such notice. The notice shall distinctly state the work to be done.

In its discretion, the district board may reject any bids presented and readvertise. If two or more bids are the same and the lowest, the district board may accept the one it chooses.

The district board may, subject to the provisions of Chapter 3 (commencing with Section 4200) of Division 5 of Title 1 of the Government Code, require the posting of such bonds as it deems desirable as a condition to the filing of a bid or the letting of a contract.

In case of an emergency, the district board may adopt a resolution by a two-thirds vote of all the members of the district board declaring that the public interest and necessity demand immediate expenditure of public money to safeguard life, health or property. The district board may expend any sum required in the emergency without submitting such expenditure to bid.

Cost records of the work shall be kept in the manner provided in Sections 4000 to 4007, inclusive, of the Government Code.

CHAPTER 396

An act to amend Sections 73084.5, 73090.1, and 73096 of the Government Code, relating to courts.

[Approved by Governor June 27, 1968. Filed with Secretary of State June 27, 1968.]

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

SECTION 1. Section 73084.5 of the Government Code is amended to read:

73084.5 The clerk of the municipal court for the Fremont-Newark-Union City Judicial District shall receive a monthly salary at the rate specified by schedule number 48.5 of the salary schedule.

SEC. 2. Section 73090.1 of the Government Code is amended to read:

73090.1. The clerk of the municipal court for the Fremont-Newark-Union City Judicial District may appoint the following deputy clerks:

(a) Three deputy clerks grade III.

(b) Two deputy clerks grade II.

(c) Seven deputy clerks grade I.

SEC. 3. Section 73096 of the Government Code is amended to read:

73096. Official reporters of municipal courts in Alameda County, in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive forty-five dollars ($45) a day for the days they actually are on duty under order of the court; provided, that not to exceed two official reporters in a judicial district having nine or more judges shall each receive an annual salary, vacation leave and sick leave, in the same amounts as the official reporters of the superior court in a county with a population of 850,000 and under 1,000,000 as determined by the 1960 federal census.

CHAPTER 397

An act to amend Sections 10133.1, 10151, 10153.7, 10161.7, 10162, and 10165 of, to add Sections 10133.15 and 10161.8 to, and to repeal Section 10161 of, the Business and Professions Code, relating to real estate licensees.

[Approved by Governor June 27, 1968. Filed with Secretary of State June 27, 1968.]

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

SECTION 1. Section 10133.1 of the Business and Professions Code is amended to read:

10133.1. The provisions of subdivision (d) of Section 10131, subdivision (e) of Section 10131, Section 10131.1 and of Articles 5 (commencing with Section 10230), 6 (commencing with Section 10237), and 7 (commencing with Section 10240 of this chapter do not apply to the following:

(a) Any person or employee thereof doing business under any law of this state, any other state, or of the United States relating to banks, trust companies, savings and loan associations, industrial loan companies, pension trusts, credit unions, or insurance companies.

(b) Any lender making a loan guaranteed or insured by an agency of the federal government or for which a commitment to so guarantee or insure has been made by such agency.

(c) Any nonprofit cooperative association organized under Chapter 1 (commencing with Section 5401) of Division 20 of

the Agricultural Code, in loaning or advancing money in connection with any activity mentioned therein.

(d) Any corporation, association, syndicate, joint stock company, or partnership engaged exclusively in the business of marketing agricultural, horticultural, viticultural, dairy, livestock, poultry, or bee products on a cooperative nonprofit basis, in loaning or advancing money to the members thereof or in connection with any such business.

(e) Any corporation securing money or credit from any federal intermediate credit bank organized and existing pursuant to the provisions of an act of Congress entitled the "Agricultural Credits Act of 1923," in loaning or advancing money or credit so secured.

(f) Any person licensed to practice law in this state, not actively and principally engaged in the business of negotiating loans secured by real property, when such person renders services in the course of his practice as an attorney at law, and the disbursements of such person, whether paid by the borrower or other person, are not charges or costs and expenses regulated by or subject to the limitations of Article 7 (commencing with Section 10240) of this chapter, provided, such fees and disbursements shall not be shared, directly or indirectly, with the person negotiating the loan or the lender.

(g) Any person licensed as a personal property broker when acting under the authority of such license.

(h) Any cemetery authority as defined by Section 7018 of the Health and Safety Code which is authorized to do business in this state or its authorized agent.

(i) Any person who makes collection of payments for lenders or on notes of owners in connection with loans secured directly or collaterally by liens on real property and (1) who is not actively engaged in the business of negotiating loans secured by real property or (2) who is not acting as a principal or agent in the sale or exchange of promissory notes secured directly or collaterally by liens on real property.

SEC. 2. Section 10133.15 is added to the Business and Professions Code, to read:

10133.15. The provisions of Articles 5 (commencing with Section 10230), 6 (commencing with Section 10237), and 7 (commencing with Section 10240) of this chapter do not apply to any person whose business is that of acting as an authorized representative, agent, or loan correspondent of any person or employee thereof doing business under any law of this state, any other state, or of the United States relating to banks, trust companies, savings and loan associations, industrial loan companies, pension trusts, credit unions, or insurance companies or when making loans qualified for sale to any of the foregoing insofar as such business is concerned.

SEC. 3. Section 10151 of the Business and Professions Code is amended to read:

10151. Application for license as real estate salesman shall be made in writing to the commissioner. The application shall

be signed by the applicant, and shall be accompanied by the real estate salesman license examination fee.

SEC. 4. Section 10153.7 of the Business and Professions Code is amended to read:

10153.7. All real estate salesman licenses issued by the commissioner shall be for a period of four years.

Applicants must qualify in the appropriate examination, submit a recommendation of the broker who is to be his employer certifying that the applicant is honest, truthful, and of good reputation, and satisfy all other requirements prior to issuance of the license.

The four-year license may be renewed upon filing the required application and fee.

SEC. 5. Section 10161 of the Business and Professions Code is repealed.

SEC. 6. Section 10161.7 of the Business and Professions Code is amended to read:

10161.7. The license of a real estate broker or salesman may be inactivated by returning the license to the commissioner with a written request for inactivation.

An inactive license which is not suspended or revoked may be reinstated at any time during the period for which the license was issued, and may be renewed each four-year period upon the making of application therefor and the payment of the appropriate fee.

An inactive broker need not maintain a place of business or a sign as required by Sections 10162 and 10164.

An inactive licensee shall not be entitled to act in any capacity for which the license is required until the license has been reinstated.

SEC. 7. Section 10161.8 is added to the Business and Professions Code, to read:

10161.8. (a) Whenever a real estate salesman enters the employ of a real estate broker, the broker shall immediately notify the commissioner thereof in writing.

(b) Whenever employment of a real estate salesman is terminated, the broker shall immediately notify the commissioner thereof in writing.

(c) Whenever a licensee acquires a business address different from the address shown on his license he shall mark out the former address on the face of the license and type or write the new main office address in ink on the reverse side, and date and initial same.

(d) Whenever a real estate salesman enters the employ of a new real estate broker he shall mark out the name of his former broker on the face of the license and type or write the name of the new employing broker in ink on the reverse side, and date and initial same.

SEC. 8. Section 10162 of the Business and Professions Code is amended to read:

10162. Every licensed real estate broker shall have and maintain a definite place of business in the State of California

which shall serve as his office for the transaction of business. This office shall be the place where his license is displayed and where personal consultations with clients are held.

No real estate license authorizes the licensee to do business except from the location stipulated in the real estate license as issued or as altered pursuant to Section 10161.8.

SEC. 9. Section 10165 of the Business and Professions Code is amended to read:

10165. For a violation of any of the provisions of Sections 10160, 10160.5, 10161.7, 10161.8, 10162, and 10164, the commissioner may temporarily suspend or permanently revoke the license of the real estate licensee in accordance with the provisions of this part relating to hearings.

CHAPTER 398

An act to amend Section 15008 of the Education Code, relating to the authority of a local public school district to lease land from another governmental entity for the purpose of constructing school buildings and facilities thereon.

[Approved by Governor June 27, 1968 Filed with Secretary of State June 27, 1968]

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

SECTION 1. Section 15008 of the Education Code is amended to read:

15008. The governing board of any school district may:

(a) Rent suitable quarters for administrative offices for a period of not to exceed 22 years.

(b) Lease buildings and other facilities such as warehouses, athletic facilities, outdoor assembly facilities, auditoriums, quarters for adult education, and communication facilities for a period of not to exceed three years. At the expiration of such lease, the governing board may continue to renew the lease for a period not to exceed three years and may continue to renew for periods not to exceed three years as long as the buildings and other facilities are needed.

(c) Lease property from the federal government, the state, and any county, city and county, city, or district for the purpose of constructing school buildings and facilities thereon for a term not to exceed 99 years. Subject to the approval of the Superintendent of Public Instruction, such lease shall be on such terms and conditions as may be agreed upon between the governing board of the school district and the governmental entity executing such lease.

CHAPTER 399

An act to amend Section 311.2 of the Penal Code, relating to obscene matter.

[Approved by Governor June 27, 1968 Filed with Secretary of State June 27, 1968.]

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

SECTION 1. Section 311.2 of the Penal Code is amended to read:

311.2. (a) Every person who knowingly: sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, or in this state prepares, publishes, prints, exhibits, distributes, or offers to distribute, or has in his possession with intent to distribute or to exhibit or offer to distribute, any obscene matter is guilty of a misdemeanor.

(b) The provisions of this section with respect to the exhibition of, or the possession with intent to exhibit, any obscene matter shall not apply to:

A motion picture machine operator acting within the scope of his employment as an employee of any person exhibiting motion pictures pursuant to a license or permit issued by a city or county provided that such operator has no financial interest in his place of employment, other than wages.

CHAPTER 400

An act to amend Section 830 of the Corporations Code, relating to corporations.

[Approved by Governor June 27, 1968 Filed with Secretary of State June 27, 1968]

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

SECTION 1. Section 830 of the Corporations Code is amended to read:

830. (a) When a person is sued, either alone or with others, because he is or was a director, officer, or employee of a corporation, domestic or foreign, in any proceeding arising out of his alleged misfeasance or nonfeasance in the performance of his duties or out of any alleged wrongful act against the corporation or by the corporation, indemnity for his reasonable expenses, including attorneys' fees incurred in the defense of the proceeding, may be assessed against the corporation, its receiver, or its trustee, by the court in the same or a separate proceeding, if both of the following conditions exist:

(1) The person sued is successful in whole or in part, or the proceeding against him is settled with the approval of the court.

(2) The court finds that his conduct fairly and equitably merits such indemnity.

The amount of such indemnity shall be so much of the expenses, including attorneys' fees, incurred in the defense of the proceeding, as the court determines and finds to be reasonable.

(b) Application for such indemnity may be made either by a person sued or by the attorney or other person rendering services to him in connection with the defense, and the court may order fees and expenses to be paid directly to the attorney or other person, although he is not a party to the proceeding.

(c) Notice of the application for such indemnity shall be served upon the corporation, its receiver, or its trustee, and upon the plaintiff and other parties to the proceeding.

The court may order notice to be given also to the shareholders in the manner provided in this division for giving notice of shareholders' meetings, in such form as the court directs.

(d) This section applies to all proceedings specified in subdivision (a), whether brought by the corporation, its receiver, its trustee, one or more of its shareholders or creditors, any governmental body, any public official, or any private person or corporation, domestic or foreign.

(e) The rights and remedy provided by this section are exclusive. The awarding of indemnity for expenses, including attorneys' fees, to parties to such proceedings, whether terminated by trial on the merits or by settlement or dismissal, shall be made only upon order of court pursuant to this section, and shall not be governed by any provision in the articles or bylaws of the corporation or by resolution or agreement of the corporation, its directors, or its shareholders.

(f) Notwithstanding the provisions of subdivisions (a), (b), (c), (d) and (e) of this section, the board of directors may authorize a corporation to pay expenses incurred by, or to satisfy a judgment or fine rendered or levied against, a present or former director, officer or employee of the corporation in an action brought by a third party against such person (whether or not the corporation is joined as a party defendant) to impose a liability or penalty on such person for an act alleged to have been committed by such person while a director, officer or employee, or by the corporation, or by both; provided, the board of directors determines in good faith that such director, officer or employee was acting in good faith within what he reasonably believed to be the scope of his employment or authority and for a purpose which he reasonably believed to be in the best interests of the corporation or its shareholders. Payments authorized hereunder include amounts paid and expenses incurred in settling any such action or threatened action. This subdivision (f) does not apply to any action instituted or maintained in the right of

the corporation by a shareholder or holder of a voting trust certificate representing shares of the corporation.

(g) The provisions of this section shall apply to the estate, executor, administrator, heirs, legatees or devisees of a director, officer or employee, and the term "person" where used in the foregoing subdivisions of this section shall include the estate, executor, administrator, heirs, legatees or devisees of such person.

(h) Nothing in this section shall prohibit a corporation, either domestic or foreign, from paying, in whole or part, the premium or other charge for any type of indemnity insurance in which any officer, director, or employee of such corporation or any of its subsidiary corporations is indemnified or insured against liability or loss arising out of his actual or asserted misfeasance or nonfeasance in the performance of his duties or out of any actual or asserted wrongful act against, or by, any of such corporations including, but not limited to, judgments, fines, settlements, and expenses incurred in the defense of actions, proceedings, and appeals therefrom. This subdivision shall be applicable to such payments made at any time prior to or after its enactment.

CHAPTER 401

An act to add Section 11893 to the Public Utilities Code, relating to municipal utility districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1968. Filed with Secretary of State June 27, 1968.]

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

SECTION 1. Section 11893 is added to the Public Utilities Code, to read:

11893. If a legal holiday falls on a Saturday, the board may provide by resolution that the Friday preceding is a holiday within the district for the purpose of closing its offices and excusing its employees from work.

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

In order that municipal utility districts have time to formulate work schedules for the balance of the current year, it is essential that this act take effect immediately.

CHAPTER 402

An act to add Article 3 (commencing with Section 4300) to Chapter 2 of Part 1 of Division 4 of, and to repeal Article 3 (commencing with Section 4300) of Chapter 2 of Part 1 of Division 4 of, the Welfare and Institutions Code, relating to state hospitals.

[Approved by Governor June 27, 1968 Filed with Secretary of State June 27, 1968]

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

SECTION 1. Article 3 (commencing with Section 4300) of Chapter 2 of Part 1 of Division 4 of the Welfare and Institutions Code is repealed.

SEC. 2. Article 3 (commencing with Section 4300) is added to Chapter 2 of Part 1 of Division 4 of the Welfare and Institutions Code, to read:

Article 3. Officers and Employees

4300. As used in this article, "resident officers" of a state hospital means:

(a) Medical director.

(b) Medical program directors.

(c) Hospital administrator.

4301. The Director of the Department of Mental Hygiene may appoint and define the duties, subject to the laws governing civil service, of the medical director, medical program directors and hospital administrator for each state hospital.

The director shall appoint a medical program director for each medical program at a state hospital. He shall appoint a medical director for each state hospital. The medical director of a hospital may also be a medical program director.

4302. The Director of the Department of Mental Hygiene shall have the final authority for determining all other employee needs after consideration of program requests from the various hospitals.

4303. Salaries of resident and other officers and wages of employees shall be included in the budget estimates of, and paid in the same manner as other expenses of, the state hospitals.

4304. Subject to the rules and regulations established by the department, the medical director shall be responsible for the administration and management of hospital patient treatment programs. Patient treatment related services include, but are not limited to all professional services such as psychiatry, medicine, psychology, social work, nursing, and rehabilitation.

The medical director is the chief executive officer of the hospital. He is responsible for the general supervision of the hospital.

4305. Subject to the rules and regulations established by the department, the hospital administrator shall be responsible for the administration and management of all nonmedical components of hospital programs, which include, but are not limited to, all nondirect treatment related services:

1. All administrative functions such as personnel, accounting, budgeting, and patients' accounts.

2. All life-support functions such as food, shelter, and clothing.

3. All other business functions such as dairies, farms, and canneries.

It shall be the responsibility of the hospital administrator to provide support services, as specified in this section, within available resources, to all hospital treatment programs.

4306. The hospital administrator may submit to the Director of Mental Hygiene any decision made by the hospital medical director which the hospital administrator believes involves a nonmedical matter.

4307. As often as a vacancy occurs in a hospital under the jurisdiction of the Director of the Department of Mental Hygiene, he shall appoint, as provided in Section 4301, medical directors, medical program directors, and hospital administrators.

The hospital administrator shall be a well-educated person, preferably with an advanced degree in business or hospital administration. In addition, he shall have had at least three years' experience in business or hospital administration, or equivalent experience.

Medical directors shall be well-educated physicians who have passed, or shall pass, an examination touching their professional qualifications in all different branches of medicine and surgery, and particularly in diseases affecting the brain and nervous system.

The qualifications for medical program director shall be the same as the qualifications for medical director.

4308. The hospital administrator of each hospital is its chief business manager. In his absence or illness, the medical director shall designate another officer to perform the duties and assume the responsibilities of the hospital administrator provided the designated person meets essentially the same qualifications as the hospital administrator.

Each medical director is the chief clinical program administrator. In the event of the absence or illness of the medical director, he shall designate a medical program director to perform his duties and assume his responsibilities.

4309. 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 fur-

nished 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.

4310. The hospital administrator shall be responsible for preserving the peace in the hospital buildings and grounds and may 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.

4311. The medical director may establish rules and regulations, not inconsistent with law, for the government of hospital buildings and grounds. Any person who knowingly or willfully violates such rules and regulations may, upon the order of the hospital administrator, be ejected from the buildings and premises of the hospital.

4312. Subject to the approval of the medical director, the hospital administrator of each state hospital may designate, in writing, as a police officer, one or more of the bona fide employees of the hospital. The hospital administrator 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 hospital administrator, 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.

4313. 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 hospital administrator 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.

4314. Wherever the term "superintendent or medical director" appears, the term shall be deemed to mean medical director, except in Sections 4110, 4126, 4127, 4129, 6731, 7281, and 7289, where the term shall be deemed to mean hospital administrator.

CHAPTER 403

An act to amend Section 16803 of the Education Code, relating to transportation of pupils.

[Approved by Governor June 27, 1968. Filed with Secretary of State June 27, 1968.]

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

SECTION 1. Section 16803 of the Education Code is amended to read:

16803. Continuing contracts for services to be performed or equipment to be furnished may be made as follows:

(a) For the furnishing of transportation of pupils in school districts to and from school, not to exceed five years, such contracts to be renewable at the option of the school district; provided, that the rate of the new contract is not increased more than 5 percent above the rate set in the existing contract.

(b) For the lease or rental of schoolbuses, not to exceed five years, except that if such a lease or rental contract provides that the district may exercise an option either to purchase the buses or to cancel the lease at the end of each annual period during the period of the contract, such contract may be made for a term not to exceed 10 years.

CHAPTER 404

An act to add Section 13341 to the Education Code, relating to certificated public school employees.

[Approved by Governor June 27, 1968. Filed with Secretary of State June 27, 1968.]

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

SECTION 1. Section 13341 is added to the Education Code, to read:

13341. The governing board of any school district or a county board of education may execute a contract with any California teacher-training institution whereby certificated personnel of the school district or the county may be assigned to the teacher-training institution for full-time duty for a period not to exceed one year. Any such contract shall provide for the payment by the teacher-training institution to the district or county of a sum equivalent to the salary and other employment costs of any such employee and, when necessary, the cost of employing a substitute for any such employee. In place of such payment, the contract may provide for the exchange of certificated personnel between the district or county and the teacher-training institution. Any such employee shall retain his status as an employee of the school district or county in all respects during the period of such assignment.

CHAPTER 405

An act to amend Sections 8511 and 9011 of, and to add Sections 8517 and 9017 to, the Elections Code, relating to political parties and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1968. Filed with Secretary of State June 27, 1968.]

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

SECTION 1. Section 8511 of the Elections Code is amended to read:

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." Nominees for an office the term of which extends beyond two years are delegates to each succeeding state convention until that following the direct primary election at which nominations for the office are again to be made. 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."

SEC. 2. Section 8517 is added to the Elections Code, to read:

8517. If a person is a delegate to the state convention and qualifies independently of that fact to be a delegate to the same state convention, he shall be a delegate by virtue of the most recent election at which he becomes a delegate. The resulting vacancy shall be filled pursuant to Section 8514.

SEC. 3. Section 9011 of the Elections Code is amended to read:

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." Nominees for an office the term of which extends beyond two years are delegates to each succeeding state convention until that following the direct primary election at which nominations for the office are again to be made. 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."

SEC. 4. Section 9017 is added to the Elections Code, to read:

9017. If a person is a delegate to the state convention and qualifies independently of that fact to be a delegate to the same state convention, he shall be a delegate by virtue of the most recent election at which he becomes a delegate. The resulting vacancy shall be filled pursuant to Section 9014.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Doubt has arisen with respect to the legal effect of a person's qualifying to be a delegate to the state convention twice, resulting in the possibility of double membership in the convention and in the state central committee. There is also some question as to the term of membership to which a person is entitled when nominated for an office which has a term of over two years. This act resolves the latter issue consistently with past practice, but as the first has not before arisen but now appears as a possibility, it is necessary that this act take effect immediately to clarify the matter in time to be applicable to the 1968 party conventions.

CHAPTER 406

An act to amend Section 3121 of the Government Code, relating to employee air travel insurance.

[Approved by Governor June 27, 1968. Filed with Secretary of State June 27, 1968.]

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

SECTION 1. Section 3121 of the Government Code is amended to read:

3121. Any local agency may, subject to rules and regulations promulgated by the legislative body thereof, insure its officers, deputies, assistants, employees and agents for injury or death incurred while flying on the business of the agency in any aircraft and the cost of such insurance shall be a proper charge against the local agency. Proceeds of such a policy shall be payable to a beneficiary named by the person insured or, if none is named, to his estate.

CHAPTER 407

An act to amend Section 9010 of the Elections Code, relating to Republican State Convention, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1968 Filed with Secretary of State June 27, 1968]

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

SECTION 1. Section 9010 of the Elections Code is amended to read:

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.
(j) National committeeman and committeewoman.
(k) Chairman and vice chairman of the state central committee.
(*l*) Twenty chairmen of county central committees selected by the chairmen of all county central committees.

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:

During the 1968 meeting of the Republican State Convention scheduled for August __, the presidential electors of the party are selected and the state platform of the party is determined. In order to permit as large a participation in these important matters as possible the state convention should be expanded by the time of its meeting to include the persons added by Section 1 of this act.

CHAPTER 408

An act to amend Sections 6051, 6052.5, and 6201 of the Revenue and Taxation Code, as amended by Sections 59, 60, and 61, respectively, of Chapter 1209 of the Statutes of 1967, and to amend Section 64 of Chapter 1209 of the Statutes of 1967, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor June 28, 1968. Filed with Secretary of State June 28, 1968.]

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

SECTION 1. Section 6051 of the Revenue and Taxation Code, as amended by Section 59 of Chapter 1209 of the Statutes of 1967, is amended to read:

6051. For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of 2½ percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in this state on or after August 1, 1933, and to and including June 30, 1935, and at the rate of 3 percent thereafter, and at the rate of 2½ percent on and after July 1, 1943, and to and including June 30, 1949, and at the rate of 3 percent on and after July 1, 1949, and to and including July 31, 1967, and at the rate of 4 percent on and after August 1, 1967, and to and including September 30, 1968, and at the rate of 3½ percent thereafter.

SEC. 2. Section 6052.5 of the Revenue and Taxation Code, as amended by Section 60 of Chapter 1209 of the Statutes of 1967, is amended to read:

6052.5. The board shall prepare sales tax reimbursement schedules showing the total amount that may be collected by the retailer from a consumer in reimbursement of the sales tax, computed on each sales price, from one cent ($0.01) to and including one hundred dollars ($100), at the 4-percent rate and at the 5-percent rate for the period between August 1, 1967, and September 30, 1968, and thereafter at the 3½-percent rate and at the 4½-percent rate. The schedules shall be identical with the following tables up to the amounts specified therein:

4 percent		5 percent	
Price	Tax	Price	Tax
.01–.12	.00	.01– .10	.00
.13–.34	.01	.11– .27	.01
.35–.59	.02	.28– .47	.02
.60–.87	.03	.48– .68	.03
		.69– .89	.04
		.90–1.09	.05

3½ percent		4½ percent	
Price	Tax	Price	Tax
.01– .13	.00	.01– .12	.00
.14– .40	.01	.13– .30	.01
.41– .68	.02	.31– .51	.02
.69– .99	.03	.52– .77	.03
1.00–1.28	.04	.78– .99	.04
		1.00–1.22	.05

The remainder of the schedules shall show amounts of reimbursement computed by applying the applicable tax rate to the sales price, rounded off to the nearest cent by eliminating any fraction less than one-half cent and increasing any fraction of one-half cent or over to the next higher cent.

The "sales tax reimbursement schedule" shall be available for inspection and duplication or reproduction.

Each retailer who collects amounts from a consumer in reimbursement of the sales tax shall use the appropriate schedule prepared by the board in computing the amount of the reimbursement, based upon the sales price of the item sold where one item is sold, and where more than one item is sold in any one transaction, upon the sum of the aggregate sales prices of the items sold, or he shall include in the sales price of each item an amount of reimbursement computed to the nearest mill at the applicable tax rate and post a notice in his premises stating that each posted or advertised price includes reimbursement so computed. When both taxable and nontaxable items are included in the same transaction, the foregoing requirement regarding computation of tax reimbursement upon the sum of the aggregate sales prices shall apply only if the purchaser requests at the time of the sale that the computation be made in this way.

The board shall enforce the provisions of this section.

SEC. 3. Section 6201 of the Revenue and Taxation Code, as amended by Section 61 of Chapter 1209 of the Statutes of 1967, is amended to read:

6201. An excise tax is hereby imposed on the storage, use, or other consumption in this state of tangible personal property purchased from any retailer on or after July 1, 1935, for storage, use, or other consumption in this state at the rate of 3 percent of the sales price of the property, and at the rate of 2½ percent on and after July 1, 1943, and to and including June 30, 1949, and at the rate of 3 percent on and after July 1, 1949, and to and including July 31, 1967, and at the rate of 4 percent on and after August 1, 1967, and to and including September 30, 1968, and at the rate of 3½ percent thereafter.

SEC. 4. Section 64 of Chapter 1209 of the Statutes of 1967 is amended to read:

Sec. 64. Sections 59, 60 and 61 of this act shall become operative only if the Legislature fails to appropriate on or before September 15, 1968, an amount at least equal to the amount directed to be transferred during the 1968–69 fiscal

year to the Property Tax Relief Fund pursuant to Section 63 of this act to provide property tax relief during the 1968–69 fiscal year, and in such case, Sections 59, 60 and 61 of this act shall become operative at 12:01 o'clock a.m. on October 1, 1968; at which time Sections 6051, 6052.5 and 6201 of the Revenue and Taxation Code, as amended by Sections 1, 3 and 5 of Chapter 963 of the 1967 Regular Session of the Legislature and Section 63 of this act, shall be repealed.

SEC. 5. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 409

An act to amend Section 4103 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor June 28, 1968. Filed with Secretary of State June 28, 1968.]

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

SECTION 1. Section 4103 of the Revenue and Taxation Code is amended to read:

4103. Redemption penalties are the sum of the following:

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

(b) Beginning July 1st of each subsequent year, on the unpaid taxes for which the property would have been sold to the state in that year if there had not been a previous sale, 1 percent a month to the time of redemption.

SEC. 2. This act shall become operative on July 1, 1969, and shall apply to redemption penalties imposed on and after such date.

CHAPTER 410

An act to amend Sections 16645.15 and 16645.16 of the Education Code, relating to development center certifications.

[Approved by Governor June 28, 1968. Filed with Secretary of State June 28, 1968.]

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

SECTION 1. Section 16645.15 of the Education Code is amended to read:

16645.15. The governing board shall employ in a development center only such persons who hold credentials issued by the State Board of Education or permits issued by the Superintendent of Public Instruction. The filing with the county superintendent of schools of a regulation of a governing board

or a public health agency requiring a physical examination of persons employed in development centers shall be deemed to be the issuance of a valid permit except for persons employed in positions pertaining to the supervision and training of children or supervision of a development center program. Each person employed by the governing board of a school district for a position requiring a credential or permit shall, not later than 60 days after the date fixed by the governing board of the district for the commencement of his service, file with the county superintendent of schools a valid credential or permit issued on or before said date, authorizing him to serve in the position for which he was employed, and must, not later than 60 days after the renewal thereof, file the renewed credential or permit in the same manner. A school district or a county superintendent of schools maintaining one or more development centers shall designate one person in each center to serve as a supervising head teacher. Such supervising head teacher shall hold a valid credential to teach exceptional children.

SEC. 2. Section 16645.16 of the Education Code is amended to read:

16645.16. Each person employed in a development center in a position requiring certification shall be subject to the same rules and regulations and eligible for the same benefits as provided for all teachers within the school district maintaining the center. Other personnel employed by a school district or a county superintendent of schools in a development center under the provisions of this article (commencing at Section 16645.1) shall be deemed for all purposes, including retirement, to be a person employed by the school district in a position not requiring certification qualifications; provided, however, that any person who is a member of the State Teachers' Retirement System because of employment to perform duties which are requisite for membership and who subsequently is employed by a school district or a county superintendent of schools in a development center under the provisions of this article (commencing with Section 16645.1) shall continue to be a member of the State Teachers' Retirement System with respect to his duties as such employee in such a development center upon assuming such duties, unless he elects by a writing filed in the office of the State Teachers' Retirement System within 90 days after such entry, not to continue as a member with respect to his new duties. The provisions of this section shall apply with equal effect to any member who shall have been employed by a school district or county superintendent of schools in a development center under the provisions of this article prior to the effective date of this section. Continuance of his membership in the State Teachers' Retirement System of any person so employed prior to the effective date of this section, is hereby ratified, validated and confirmed, and for all purposes he shall be considered as having been a member without interruption as far as such employment is concerned, unless such person elects within 90

days after the date upon which notice of such right to elect, is mailed by the State Teachers' Retirement System to the member's latest address on file in the office of said system, not to be a member of the system with respect to the duties which, but for the provisions of this section, otherwise would not be so requisite for membership therein.

CHAPTER 411

An act to amend Section 6816 of the Public Resources Code, and to amend Sections 11738 and 11915 of, and to add Section 11920 to, the Water Code, and to amend Section 12 of Chapter 138, Statutes of 1964, First Extraordinary Session, relating to water projects and the financing thereof, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1968. Filed with Secretary of State June 28, 1968.]

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

SECTION 1. Section 6816 of the Public Resources Code is amended to read:

6816. All moneys and remittances received by the state pursuant to this chapter, except rents, bonuses, royalties and profits accruing from the use of state school land, shall be deposited in the State Treasury as follows and in the following order:

(a) To the credit of the General Fund such revenue as necessary to provide in any fiscal year for the following:

(1) For the payment of refunds, as authorized by the commission and approved by the State Board of Control, out of appropriations made for that purpose by the Legislature.

(2) For the payment of expenditures made by the commission to carry out the provisions of this chapter, including the acquisition of real property or interests therein, the purchase of materials and supplies, and the conducting of operations by the state as provided herein, the payment by the state of such sums as may be provided pursuant to agreements or contracts authorized herein, and the payments of the necessary expenses of the commission, from any appropriations made for such purposes.

(b) To the California Water Fund each fiscal year such amount which shall, when combined with revenues deposited in such fiscal year in the California Water Fund pursuant to Section 12 of Chapter 138 of the Statutes of 1964, First Extraordinary Session, amount to eleven million dollars ($11,000,000) for the fiscal years 1967–68, 1968–69 and 1969–70, and thereafter such amount which shall, when combined with revenues so deposited pursuant to Section 12 of Chapter 138 of the Statutes of 1964, First Extraordinary Session, amount to

twenty-five million dollars ($25,000,000). Reference in this subdivision to the California Water Fund shall, during the balance of the fiscal year 1967–1968 and the fiscal years 1968–1969, 1969–1970, 1970–1971, and 1971–1972, be deemed to refer to the Central Valley Water Project Construction Fund.

(c) To the Central Valley Water Project Construction Fund each fiscal year such amount which shall, when combined with revenues deposited in such fiscal year in the Central Valley Water Project Construction Fund pursuant to Section 12.1 of Chapter 138 of the Statutes of 1964, First Extraordinary Session, amount to five million dollars ($5,000,000).

(d) To the Capital Outlay Fund for Public Higher Education, all revenue in excess of the amount deposited in the General Fund pursuant to subdivision (a) of this section, and in excess of the amount deposited in the California Water Fund pursuant to subdivision (b) of this section, and in excess of the amount deposited in the Central Valley Water Project Construction Fund pursuant to subdivision (c) of this section.

The commission may, with the approval of the State Board of Control, authorize the refund of moneys received or collected by it illegally or by mistake, inadvertence, or error. Claims authorized by the commission and approved by the State Board of Control shall be filed with the State Controller and the Controller shall draw his warrant against the General Fund in payment of such refund from any appropriation made for that purpose.

SEC. 1.2. Section 11738 of the Water Code is amended to read:

11738. The signature of the director and the Governor may be by facsimile.

SEC. 1.4. Section 11915 of the Water Code is amended to read:

11915 All moneys deposited in the Central Valley Water Project Construction Fund pursuant to the provisions of Section 12.1 of Chapter 138, Statutes of 1964, First Extraordinary Session and subdivision (c) of Section 6816 of the Public Resources Code, and all accruals to such moneys so deposited, are hereby appropriated to the department for expenditure by the department without regard to fiscal years for the purposes of the construction fund, in amounts equal to allocations to recreation and fish and wildlife enhancement and to the costs of acquiring rights-of-way, easements and property for recreation development which have become effective pursuant to Section 11912.

SEC. 2. Section 11920 is added to the Water Code, to read:

11920. The Wildlife Conservation Board is authorized to design and construct public fishing access sites to aqueducts constructed as part of state water projects in accordance with such policies and procedures as may be established by the board.

To the extent practicable such fishing access sites shall be constructed upon lands acquired for state water project purposes; provided, that such additional lands as may be necessary for such fishing access sites shall be acquired by the Department of Water Resources pursuant to this chapter; and, provided further, that such facilities as may be necessary to assure the safe use of such fishing access sites by the public shall be constructed by the Department of Water Resources upon the appropriation of funds for such purposes by the Legislature.

Plans for such fishing access sites shall be subject to the approval of the Department of Water Resources to ensure that they shall not defeat or impair the orderly operation of any state water project for its other authorized purposes and the accomplishment of such purposes.

SEC. 2.2. Section 12 of Chapter 138, Statutes of 1964, First Extraordinary Session, is amended to read:

Sec. 12. The first eleven million dollars ($11,000,000) of oil revenue and dry gas revenue payable to the State of California under this act each year shall be deposited in the California Water Fund; except that commencing with the fiscal year 1970–1971, the amount so deposited each year shall be twenty-five million dollars ($25,000,000); and except that during the balance of the fiscal year 1967–1968 and the fiscal years 1968–1969, 1969–1970, 1970–1971, and 1971–1972, such amount shall instead be deposited in the Central Valley Water Project Construction Fund for expenditure without regard to fiscal years by the Department of Water Resources for construction of the State Water Resources Development System as defined in Section 12931 of the Water Code, other than provision for water development facilities for local areas as provided in Chapter 5 (commencing with Section 12880) of Part 6 of Division 6 of the Water Code. In addition to the deposit required above during the balance of the fiscal year 1967–1968, the Controller shall transfer the unexpended balance of money in the California Water Fund on the effective date of the 1968 act amending this section to the Central Valley Water Project Construction Fund for expenditure as provided above.

Any reference in this act to the amount provided for deposit in the California Water Fund by this section shall, during the balance of the fiscal year 1967–1968 and the fiscal years 1968–1969, 1969–1970, 1970–1971, and 1971–1972, be deemed to refer to the amount provided for deposit in the Central Valley Water Project Construction Fund by 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 accomplish the objectives of this act in connection with state water project facilities as to which revenue

bonds are currently being issued and sold, and facilities currently being planned and under construction, it is essential that this act take immediate effect.

Existing available funds, moreover, are insufficient for completion of construction of the State Water Resources Development System. This act makes additional capital funds available so that facilities necessary for the health and welfare of the people of the state may be completed.

CHAPTER 412

An act to amend Section 69590 of the Government Code, relating to judges.

[Approved by Governor June 28, 1968. Filed with Secretary of State June 28, 1968.]

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

SECTION 1. Section 69590 of the Government Code is amended to read:

69590. In the County of Monterey there shall be three judges of the superior court. On and after January 1, 1969, there shall be four judges.

CHAPTER 413

An act to amend Sections 51201, 51243, and 51256 of, and to add Section 51243.5 to, the Government Code, relating to the California Land Conservation Act.

[Approved by Governor June 28, 1968. Filed with Secretary of State June 28, 1968.]

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

SECTION 1. Section 51201 of the Government Code is amended to read:

51201. As used in this chapter, unless otherwise apparent from the context:

(a) "Agricultural commodity" means any and all plant and animal products produced in this state for commercial purposes.

(b) "Agricultural use" means use of land for the purpose of producing an agricultural commodity for commercial purposes.

(c) "Prime agricultural land" means (1) all land which qualifies for rating as class I or as class II in the Soil Conservation Service land use capability classifications, (2) land which qualifies for rating 80 through 100 in the Storie Index Rating, (3) land which supports livestock used for the pro-

duction of food and fiber, and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture, (4) land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and during the commercial bearing period will normally return on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars ($200) per acre, or (5) land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars ($200) per acre for three of the previous five years.

(d) "Agricultural preserve" means an area devoted to agricultural and compatible uses as designated by a city or county, and established by resolution of the governing body of a city or county after a public hearing. When a county proposes to establish an agricultural preserve it shall give written notice at least two weeks before the hearing to the Local Agency Formation Commission and to every city within one mile of the exterior boundaries of the preserve. Notice of the hearing shall be published pursuant to Section 6061 of the Government Code. The governing body may, by resolution, provide procedures for initiating, filing and processing requests to establish agricultural preserves. The same procedure to establish an agricultural preserve shall be used to enlarge or diminish the size of an agricultural preserve including disestablishment of an agricultural preserve. In the event any proposed alteration of the boundary of an agricultural preserve or proposed disestablishment of an agricultural preserve will remove land under contract or agreement from an agricultural preserve, notice of the proposed alteration or disestablishment and hearing date shall be furnished by the county or city to the owner by registered United States mail directed to him at his latest address known to the county or city and such notice shall be furnished in a like manner to each owner of land in that preserve which has a common boundary with the land to be removed from the agricultural preserve. Such preserves, when established, shall be for the purpose of subsequently placing restrictions upon the use of land within them, or supplementing existing restrictions, pursuant to the purposes of this chapter. Such preserve may contain land other than prime agricultural land, but the use of any land not under contract within the preserve shall subsequently be restricted in such a way as to not be incompatible with the agricultural use of the prime agricultural land the use of which is limited by contract in accordance with this chapter. Such preserve may also be established even if it contains no prime agricultural land, provided that the land within the preserve is subsequently restricted to agricultural and compatible uses by agreement as provided in Section 51255, or by any other suitable means.

(e) Except as otherwise defined by this act, "compatible use" shall be determined by the city or county administering

the agricultural preserve according to uniform rules. "Compatible use" is hereby determined by the Legislature to include the erection, construction, alteration, or maintenance of gas, electric, water, or communication utility facilities, unless the governing board makes a finding after notice and hearing that any or all such facilities are not a compatible use. No land occupied by gas, electric, water, or communication utility facilities shall be excluded from a preserve by reason of such use.

(f) "Uniform rules" mean rules adopted by a city or county for the administration of each agricultural preserve including waiver of compensation pursuant to Section 51261, and such rules shall be uniform throughout the agricultural preserve for which the rules are adopted.

SEC. 2. Section 51243 of the Government Code is amended to read:

51243. Every such contract shall:

(a) Provide for the exclusion of uses other than agricultural, and other than those related to or compatible with agricultural use, for the duration of the contract.

(b) Be transferred from the contracting owner to any succeeding owner and from succeeding owner to succeeding owner. The contract shall also be transferred from the contracting city or county to any succeeding city or county acquiring jurisdiction over the land, except as hereinafter provided. On the annexation by a city of any land under contract with a county, the city shall succeed to all rights, duties and powers of the county under such contract, unless the land being annexed was within one mile of such city at the time that the contract was initially executed, the city protested the execution of the contract pursuant to Section 51243.5, and the city states its intent not to succeed in its resolution of intention to annex. If the city does not exercise its option to succeed, the contract becomes null and void as to the land actually being annexed on the date of annexation. In the event that only part of the land under contract was within one mile of the city the option of the city shall extend only to such part..

(c) Be divisible in the event land under contract is divided. A contract identical to the contract then covering the original parcel except any waiver of compensation payment which is distributed pursuant to Section 51261.1 shall be executed by the owner on each parcel created by the division at the time of the division and the county or city shall require, as a condition of approval of the division, the execution of the contracts provided for in this subdivision and any division by order of a judicial proceeding shall require the execution of the contracts required by this subdivision.

SEC. 3. Section 51243.5 is added to the Government Code, to read:

51243.5. The clerk of the board of supervisors shall give written notice to a city of its intention to consider a contract which includes land within one mile of the exterior boundaries of that city. Such notice shall be given at least 30 days prior

to the time the board of supervisors intends to consider the execution of such a contract. If such city files with the county a resolution protesting the execution of a contract which includes land within one mile of the exterior boundaries of the city and the board of supervisors executes such a contract, the city shall have the option provided in subdivision (b) of Section 51243 to not succeed to the contract upon annexation of the land to the city.

SEC. 4. Section 51256 of the Government Code is amended to read:

51256. Any city or county which offers any such agreement to any owner of land in agricultural use within a preserve shall offer agreements on similar terms to any other such owner within that preserve upon his request. Each agreement as to land within a preserve may be made mutually dependent upon any other agreements as to land within that preserve. The provisions of the agreement relating to length, terms, conditions, restrictions and, including but not limited to provisions relating to the same subjects as contracts, shall be determined by negotiation between the city or county and the landowner. The agreement shall be transferred from the city or county signing the agreement to any succeeding city or county acquiring jurisdiction over the land in the same manner and under the same conditions as provided for contracts in subdivision (b) of Section 51243. Section 51243.5 shall be applicable to such agreements. It shall be the policy of the city or county to secure agreements under which the limitations or restrictions will not be removed or substantially modified in the predictable future. However, the provisions of this section shall not be construed to require that all agreements entered into upon lands within a preserve be identical, so long as such differences as exist are related to differences in the location and circumstances of the owners of land in agricultural or compatible uses, or pursuant to uniform rules adopted by the city or county.

CHAPTER 414

An act to amend Section 5073 of the Financial Code, relating to savings and loan associations.

[Approved by Governor June 28, 1968 Filed with Secretary of State June 28, 1968]

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

SECTION 1. Section 5073 of the Financial Code is amended to read:

5073. "Member of the immediate family" of any person means the spouse, and the children, parents, sisters and brothers and anyone to whom any of the foregoing are married, if any such relative is a member of such person's household.

However, for the purposes of Sections 7177, 7178, 7179, and 7180, where the loan or loans to any one person exceed the sum of forty thousand dollars ($40,000), "members of the immediate family" means the spouse, and the children, parents, sisters, and brothers, and anyone to whom any of the foregoing are married, even though such relative is not a member of such person's household.

CHAPTER 415

An act to amend Section 1 of Chapter 515 of the Statutes of 1919, relating to tidelands and submerged lands in the City of Emeryville, County of Alameda.

[Approved by Governor June 28, 1968. Filed with Secretary of State June 28, 1968.]

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

SECTION 1. Section 1 of Chapter 515 of the Statutes of 1919 is amended to read:

Section 1. There is hereby granted to the City of Emeryville, 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 said state by virtue of its sovereignty in and to all tidelands and submerged lands, whether filled or unfilled, which are included within the present boundaries of the City of Emeryville, to be forever held by said city and by its successors in trust for the use and purposes, and upon the express conditions following, to wit:

(a) That said lands shall be used by said city and its successors, only for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city or its successors shall not, at any time, grant, convey, give or alien said lands or any part thereof to any individual, firm or corporation, for any purposes whatever; provided, that said city or its successors may grant franchises thereon, for limited periods, but in no event exceeding 50 years, for wharves and other public uses and purposes, and may lease said lands or any part thereof for limited periods, but in no event exceeding 50 years, which franchises and leases shall be for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor, including, but not limited to, recreational, educational, industrial, and commercial purposes in which there is a general statewide interest. Nothing contained in this paragraph (a) shall be deemed to affect the validity or term of any franchise previously granted by said city under the Franchise Act of

1937 (Chapter 2 (commencing at Section 6201), of Division 3 of the Public Utilities Code), and any such franchise shall be effective with respect to said land when title thereto passes to said city hereunder.

(b) That said harbor shall be improved by said city without expense to the state, and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands, or any part thereof, for any vessel or other watercraft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in all the waters of said harbor, with the right of convenient access to said waters over said land for said purpose.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said lands, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said lands.

(f) The lands herein described are granted subject to the express reservation and condition that the state may at any time in the future use said lands or any portion thereof 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 have been placed upon the property taken by the state for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interests. If the city has filled any tide or submerged lands and such lands are taken by the state for highway purposes, the state shall reimburse the city for expenditures incurred in filling such lands.

(g) If the lands, or any part thereof, granted to the city by this act are not used for the additional purposes authorized by the amendment of this section made at the 1959 Regular Session of the Legislature by the 61st day following the adjournment of the 1979 Regular Session of the Legislature, the authorization to use said lands for such additional purposes shall automatically terminate and lapse.

CHAPTER 416

An act to amend Sections 1685 and 1686 of the Health and Safety Code, relating to audiometrists.

[Approved by Governor June 28, 1968. Filed with Secretary of State June 28, 1968.]

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

SECTION 1. Section 1685 of the Health and Safety Code is amended to read:

1685. The governing body of a city, county, city and county or school district may employ one or more school audiometrists, each of whom shall be registered with the State Board of Public Health and possess such qualifications as may at the date of registration be prescribed by the state board.

Audiometric testing as conducted by the qualified school audiometrist, pursuant to Section 13300 of the Education Code, or by other qualified certificated school personnel, as defined in Sections 11751 and 11904 of the Education Code, shall meet the standards which the State Board of Public Health determines necessary to insure the adequacy of hearing testing in the schools. Subject to Section 11902 of the Education Code, audiometric tests may be administered to school and preschool children in school buildings and other places as are or may be used by schools, health departments or other agencies that provide qualified personnel to conduct such tests.

SEC. 2. Section 1686 of the Health and Safety Code is amended to read:

1686. The State Board of Public Health shall, subject to the provisions of Section 1685, issue certificates of registration to school audiometrists and to qualified supervisors of health, pursuant to Sections 11751 and 11903 of the Education Code. The state board shall prescribe such qualifications as may be necessary for the testing of the hearing of schoolchildren.

Candidates for registration who present evidence of having satisfactorily completed the required training in audiology and audiometry at an accredited university or college, as prescribed by the State Board of Public Health, may be issued certificates of registration without further examination.

The state board shall require a registration fee not in excess of ten dollars ($10) for each certificate issued. Such fee shall be based upon a determination by the board as to the amount that is reasonably necessary to pay for the costs of the issuance of certificates of registration.

CHAPTER 417

An act to add Section 34.7 to the Civil Code, relating to minors.

[Approved by Governor June 28, 1968. Filed with Secretary of State June 28, 1968.]

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

SECTION 1. Section 34.7 is added to the Civil Code, to read:

34.7. Notwithstanding any other provision of law, a minor 12 years of age or older who may have come into contact with any infectious, contagious, or communicable disease may give consent to the furnishing of hospital, medical and surgical care related to the diagnosis or treatment of such disease, if the disease or condition is one which is required by law or regulation adopted pursuant to law to be reported to the local health officer. Such consent shall not be subject to disaffirmance because of minority. The consent of the parent, parents, or legal guardian of such minor shall not be necessary to authorize hospital, medical and surgical care related to such disease and such parent, parents, or legal guardian shall not be liable for payment for any care rendered pursuant to this section.

CHAPTER 418

An act to amend Section 13942 of the Government Code, relating to discharge of accountability.

[Approved by Governor June 28, 1968. Filed with Secretary of State June 28, 1968.]

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

SECTION 1. Section 13942 of the Government Code is amended to read:

13942. The board shall make an order discharging the applicant from further accountability for the collection of the taxes, licenses, fees, or other money specified in the application, and authorizing the applicant to close his or its books in regard to such items, if it is satisfied that:

(a) The matters contained in the application are true.

(b) Where an item exceeds three hundred dollars ($300), the Attorney General has in writing advised that the amount is too small to justify the cost of collection or that collection is improbable for any reason.

(c) The amounts are too small to justify the cost of collection.

(d) It will be to the advantage of the state to grant the relief requested.

CHAPTER 419

An act to protect the water resources of the state by creating the Delta Water Agency and prescribing the boundaries, organization, operation, management, financing, and other powers and duties of the agency.

[Approved by Governor June 28, 1968. Filed with Secretary of State June 28, 1968.]

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

Article 1. General Provisions

SEC. 1.1. This act may be cited as the "Delta Water Agency Act of 1968."

SEC. 1.2. There is hereby created a body politic and corporate of the State of California to be known as the "Delta Water Agency" which shall have the boundaries hereafter described.

SEC. 1.3. As used herein, unless otherwise indicated by their context:

(a) "Agency" means the Delta Water Agency.

(b) "United States" means and includes the United States of America and all bureaus, commissions, divisions, departments, boards, agencies, and officers of the executive branch thereof.

(c) "State of California" includes the State of California and all bureaus, commissions, divisions, departments, boards, agencies, and officers of the executive branch thereof.

(d) "Board" means the board of directors of the agency.

(e) "Director" means a member of the board of directors.

(f) "Chairman" means the chairman of the board of directors of the agency.

(g) "Secretary" means the secretary of the board of directors of the agency.

(h) "Legal representative" means an official of a corporation owning land, and means a guardian, conservator, or administrator of the estate of the holder of title to land who:

(1) Is appointed under the laws of this state.

(2) Is authorized by the appointing court to exercise the particular right, privilege, or immunity which he seeks to exercise.

(i) "Voter" means the owner of record of the fee title to lands within the agency.

Article 2. Elections

SEC. 2.1. Except as otherwise provided herein, the Uniform District Election Law relating to landowner voting districts, shall apply to all elections within the agency.

SEC. 2.2. Each voter shall have one vote for each full acre of land to which he holds title within the division. The last equalized assessment roll of the county in which the land is

located is conclusive evidence of ownership. For the purpose of determining the number of votes to which each voter is entitled within a division, every separately assessed parcel of taxable land of less than one acre within a division shall be considered to contain one acre.

SEC. 2.3. Every voter or his legal representative may vote at any agency election either in person or by a person duly appointed as his proxy.

SEC. 2.4. No appointment of a proxy shall be valid, accepted, or vote allowed thereon at any agency election unless it meets all of the following requirements:

(a) It is in writing.

(b) It is executed by the person or legal representative of the person who, in accordance with the provisions of Section 2.3, is entitled to cast the votes for which the proxy is given.

(c) It is acknowledged.

(d) It specifies the election at which it is to be used. An appointment of a proxy shall be used only at the election specified.

Every appointment of a proxy is revocable, at the pleasure of the person executing it, at any time before the person appointed as proxy shall have cast a ballot representing the votes for which the appointment was given.

SEC. 2.5. Before a legal representative votes at an agency election he shall present to the precinct board a certified copy of his authority which shall be kept and filed with the returns of the election.

SEC. 2.6. The ballots used at an agency election shall be provided by the county clerk pursuant to the provisions of the Uniform District Election Law, and shall be in the form prescribed in Water Code Section 35106.

SEC. 2.7. Except as otherwise provided herein or in the Uniform District Election Law, the procedures to be used at the polls by the precinct board shall be as set forth in Water Code Section 35107.

SEC. 2.8. Any voter may commence the contest of an agency election within 20 days after the result has been declared by filing a complaint in the superior court of the county within which the voter's lands are situated. If no contest is commenced within that time, the declaration of the result as determined from the canvass of the respective county clerks is final and conclusive.

Article 3. Internal Organization

SEC. 3.1. The government of the agency shall be vested in a board of directors selected as herein provided, and the powers of the agency, except as otherwise herein expressly provided, shall be exercised by the board.

SEC. 3.2. The board shall consist of 11 members, one from each of the 11 divisions in the agency, and each of whom shall be an owner of real property, or the legal representative of

an owner of real property, within the respective division he represents.

SEC. 3.3. The members representing each division on the first board of directors of the agency shall be appointed within 60 days after the effective date of this act by the board of supervisors of the county in which the division or the greater portion of the division is located, which board of supervisors shall be the supervising authority for the purpose of appointment in lieu of election pursuant to Elections Code Section 23520.

SEC. 3.4. The terms of office for the first board of directors shall expire in 1969 for those directors appointed to represent even-numbered divisions, and in 1971 for those appointed to represent odd-numbered divisions as designated in Section 9.2, as provided in the Uniform District Election Law.

SEC. 3.5. All directors shall thereafter be elected or appointed in lieu of election in the manner prescribed in Article 2 of this act. The term of each director other than those appointed pursuant to Section 3.3 shall be four years and until his successor qualifies.

SEC. 3.6. Within 20 days after receiving his certificate of election, or certificate of appointment, each member director shall qualify by taking and subscribing an official oath and filing it in the office of the agency.

SEC. 3.7. Any vacancy occurring on the board shall be filled by appointment by the board of supervisors of the county within which such division or the major portion of such division is located, and such appointee shall serve for the unexpired portion of the term of the office in which such vacancy exists.

SEC. 3.8. The first board shall hold its first meeting as soon as possible after the appointment and qualification of the members of the first board of directors. It shall choose one of its members as chairman, and one of its members as vice chairman, and shall thereupon provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

A majority of the board shall constitute a quorum for the transaction of business.

At its first meeting in January of each year, the board shall choose one of its members as chairman and one of its members as vice chairman, who shall serve as such until the first meeting in January of the immediately following year, or until their respective successors are chosen.

SEC 3.9. The board shall act only by resolution or motion, which may be adopted by voice vote, but on demand of any member the roll shall be called. No motion or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board.

SEC. 3.10. The board may adopt reasonable rules and regulations to facilitate the exercise of its duties and powers.

SEC. 3.11. Each of the members of the board shall receive for each attendance at the meetings of the board the sum of twenty-five dollars ($25).

In addition to his compensation for attendance at meetings of the board, each member of the board shall be allowed his actual, necessary and reasonable expenses incurred in carrying out his duties.

Each member of the board shall receive such compensation as the board determines to be just and reasonable for services, other than attendance at meetings of the board, performed at the direction of the board.

SEC. 3.12. The board may appoint, define the duties, and fix the compensation of such advisors, assistants, and employees as it may deem necessary to efficiently maintain and operate the agency. The exercise of any and all executive, administrative and ministerial powers may be delegated by the board.

SEC. 3.13. The board shall have the power:

1. To fix the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings;

2. To fix the location of the principal place of business of the agency and the location of all offices of the agency.

3. To prescribe a system of business administration; to create any and all necessary offices; to establish and reestablish the powers and duties and compensation of all officers and employees; and to require and fix the amount of all official bonds necessary for the protection of the funds and property of the agency.

4. To designate depositories for the funds of the agency.

Article 4. Purposes and Powers

SEC. 4.1. The general purposes of the agency shall be to negotiate, enter into, execute, amend, administer, perform, and enforce one or more agreements with the United States and with the State of California, or with either, which have for their general purposes the following:

(a) To protect the water supply of the lands within the agency against intrusion of ocean salinity; and

(b) To assure the lands within the agency a dependable supply of water of suitable quality sufficient to meet present and future needs.

SEC. 4.2. The agency shall also have the following powers:

(a) To have perpetual succession.

(b) To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at pleasure.

(d) To take by grant, purchase, gift, devise, or lease, or dispose of, real and personal property of every kind within or without the agency.

(e) To borrow money and incur indebtedness; provided, however, that with the exception of agreements provided for in Section 4.1, the agency shall not at any one time incur indebtedness in excess of the ordinary annual income and revenues of the agency; except that the agency may borrow money for its expenses incurred during the period until the agency first receives tax money.

(f) To employ labor and contract for services.

(g) To cause assessments to be levied, in the manner hereinafter provided, for the purpose of paying expenses and obligations of the agency, including its formation expenses and any warrants issued therefor.

(h) To act jointly with or cooperate with the United States and with the State of California to the end that the purposes and activities of the agency may be fully and economically performed.

(i) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(j) To carry on technical and other investigations of all kinds necessary or convenient for the accomplishment of the purposes or powers of the agency.

SEC. 4.3. The agency shall have all powers necessary or convenient to carry out the purposes of this act, including powers granted by this act and any other provision of law.

Article 5. Finances

SEC. 5.1. The agency shall levy annually on or before the first day of June, and cause to be thereafter collected as herein provided, assessments sufficient in amount to meet and pay the estimated expenses and obligations, including a reasonable reserve for contingencies, of the agency during the 12-month period commencing on the immediately following first day of July, subject however to a maximum limit of fifteen cents ($0.15) per acre, for purposes other than payment under the contracts provided for in Section 4.1, upon all of the taxable land lying within the exterior boundaries of the agency.

SEC. 5.2. On or before the first day of June of each year, the board shall determine the amount of money sufficient to meet and pay the estimated expenses and obligations, including a reasonable reserve for contingencies, of the agency during the 18-month period commencing on the immediately following first day of July taking into account any surplus funds that may be on hand and available to meet and pay such expenses and obligations, and at such time shall levy such amount upon all of the taxable lands lying within the exterior boundaries of the agency.

The agency shall further at the same time determine the portion of the total assessment applicable to each county within which lands lying within the agency are located, on the ratio of the area within the agency within such county to the total area of the agency, and shall certify such determination to the

county auditor, county assessor and county tax collector of such county.

SEC. 5.3. Upon receipt of such certificate of determination, the county auditor, county assessor and county tax collector of each county shall take such action as may be necessary to apportion such assessment by prorating it on the basis of acreage over all of the taxable land lying within the agency and located in such county.

SEC. 5.4. The agency shall pay to each county the cost incurred by the county auditor, county assessor and county tax collector complying with the provisions of this act.

SEC. 5.5. The board of supervisors shall levy an assessment on the lands within the agency in accordance with the determinations made above, at the same time county taxes are levied, and its collection shall be at the same time and in the same manner as county taxes. Such asessments shall be a lien on the lands assessed and shall be enforceable in the same manner and by the same means as county taxes. When a city or district has adopted the alternative taxing procedure provided in Article 9 of this act, the county shall notify the governing body of such city or district of the amount of taxes to be collected from lands which are within the area of such city or district and within the exterior boundaries of the agency, and the city or district shall pay to the county the amount due for such lands at the same time as county taxes are paid and collected.

When collected, the net amount, ascertained as provided in this article, shall be paid to the treasurer of the agency under the general requirements and penalties provided by law for the settlement of other taxes.

SEC. 5.6. In making the apportionment provided for in this article, the county auditor, county assessor and county tax collector of each county shall consider any separately assessed parcel of taxable land of less than one acre as containing one acre.

Article 6. Validation Proceedings

SEC. 6.1. The agency shall validate any contract entered into with the United States or the State of California under the provisions of Section 4.1 in the manner provided in Chapter 9 (commencing with Section 860), Title 10, Part II of the Code of Civil Procedure.

Article 7. Approval of Contract by Voters

SEC. 7.1. No contract of the nature and character authorized by Section 4.1 of this act may be entered into or by the agency unless first approved by a majority of the votes cast at an election held within the agency.

SEC. 7.2. The election called for the purpose of voting upon such a contract shall be conducted insofar as applicable, in the manner provided in Article 2 of this act.

SEC. 7.3. Notice of such a contract approval election shall be published once a week for four successive weeks in a newspaper of general circulation published in each county within which affected lands of the agency are located. Proof of publication shall be filed with the secretary prior to the day of the election.

SEC. 7.4. The notice of the election shall specify:

(a) The time and place of the election.

(b) The purpose of the election.

(c) A brief statement of the general purpose of the contract.

(d) The amount of money to be paid to the United States, or the State of California, or both, under the contract.

SEC. 7.5. The ballots at the election shall contain a brief statement of the general purpose of the contract substantially as stated in the notice of election and the amount of money to be paid to the United States, or the State of California, or both, under the contract with the words "Contract—Yes" and "Contract—No."

Article 8. Dissolution for Failure to Execute Agreement

SEC. 8.1. In the event that the agency fails to enter into and execute on or before December 31, 1973, a contract with the United States and the State of California of the character and nature described in Section 4.1 of this act, the agency is dissolved and its existence is automatically terminated, and all of its corporate powers shall cease, except for the purpose of winding up the affairs of the agency.

SEC. 8.2. In the event of such dissolution of the agency and the termination of its existence, its affairs shall be wound up, its successor for the purpose of winding up its affairs determined, and its assets and funds distributed in accordance with the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code.

Article 9. Alternative Taxing Procedure

SEC. 9.1. The governing body of any city, reclamation district, California water district, or irrigation district, any part of the land area of which is located within the exterior boundaries of the agency, may, with respect to such land area, adopt by ordinance or resolution the alternative taxing procedure provided in this article and when so adopted shall give notification by delivering a certified copy of such ordinance or resolution to the county board of supervisors prior to January 1 of the year during which the alternative taxing procedure is to go into effect. From and after the date of such notification, the city or district shall be considered, for the purpose of levying and collecting assessments under this act, as though it were the private owner of record of fee title to all land which is within the city or district and within the exterior boundaries of the agency. The alternative taxing procedure shall remain

in effect as to the city or district until notification of its discontinuance is given by the city or district in the same manner set out for adoption of the alternative taxing procedure.

SEC. 9.2. The provisions of Section 5.6 of this act, concerning parcels of less than one acre, shall not be applicable to land within any city or district which has adopted the alternative taxing procedure provided in this article.

The total assessment to be levied on land within any such city or district shall be determined by the total acreage of land which is both within the city or district and within the exterior boundaries of the agency.

SEC. 9.3. In the event that land which is included within the territory of any city which has adopted the alternative taxing procedure provided in this article is also included within the territory of any district which has adopted such alternative taxing procedure, such land shall be considered for the purposes of this article to be included only within the territory of the city.

In the event that land which is included within the territory of any district which has adopted the alternative taxing procedure provided in this article is also included within the territory of any other district which has adopted such alternative taxing procedure, such land shall be considered for the purposes of this article to be included only within the territory of the district containing the largest total acreage of land which is both within the district and within the exterior boundaries of the agency.

Article 10. Boundaries

SEC. 10.1. The boundaries of the agency are as follows:

Beginning at the Sacramento River at the I Street bridge proceeding westerly along the Southern Pacific Railroad to its intersection with the west levee of the Yolo By-Pass; southerly along the west levee to an intersection with Putah Creek, then westerly along the left bank of Putah Creek to an intersection with the north-south section line dividing sections 29 and 28, T8N, R6E; south along this section line to the northeast corner of section 5, T7N, R3E; west to the northwest corner of said section; south along west boundary of said section to intersection of Reclamation District No. 2068 boundary at northeast corner of SE ¼ of section 7, T7N, R3E; southwesterly along Reclamation District No. 2068 boundary to southeast corner of SW ¼ of section 8, T6N, R2E; west along the south boundary of Section 8, T6N, R2E to the southeast corner of Section 7, T6N, R2E; north to the northeast corner of the SE ¼ of said Section 7; west to the northwest corner of the SE ¼ of said Section 7; south to the northeast corner of the SE ¼ SW ¼ of said Section 7; west to the northeast corner of the SE ¼ SE ¼ of Section 11, T6N, R1E; north to the southeast corner of the NE ¼ NE¼ of said Section 11; west to the southwest corner of the NW ¼ NE ¼ of said Section 11; north to the

northwest corner of the NW ¼ NE ¼ of said Section 11; west along the north boundary of said Section 11 to the northwest corner of said Section 11; south along the west boundaries of Sections 11 and 14, T6N, R1E to the relocated channel of Ulatis Creek; southeast along the relocated channel of Ulatis Creek to the south boundary of Section 6, T5N, R2E; west to the southwest corner of the SE ¼ of said section; south to the southwest corner of the NE ¼ of section 7, T5N, R2E; east to the southeast corner of the NE ¼ of said section; south to the southeast corner of said section; west to the northeast corner of section 13, T5N, R1E; south to the southeast corner of said section; west to the northwest corner of the NE ¼ of section 23, T5N, R1E; south to the southwest corner of the NE ¼ of said section; west to the northwest corner of the SW ¼ of said section; south to the southwest corner of the NW ¼ of section 26, T5N, R1E; east to the northeast corner of the SE ¼ of section 25, T5N, R1E; south to the southeast corner of said section; east to the northeast corner of section 31, T5N, R2E; south to the southeast corner of the NE ¼ of said section; east to the northeast corner of the SE ¼ of section 32, T5N, R2E; south to the northwest corner of section 4, T4N, R2E; east to the northeast corner of said section; south to the southwest corner of the NW ¼ of section 3, T4N, R2E; east to the northeast corner of the SE ¼ of said section; south to the southwest corner of the NW ¼ of the NW ¼ of section 11, T4N, R2E; east to the southeast corner of the NE ¼ of the NE ¼ of said section; south along the east line of section 11, T4N, R2E to a road intersection approximately 1000 feet south of the southeast corner of said section; southeasterly along an unnamed road to its intersection with the right bank of the Sacramento River about 0.7 mile upstream from the Rio Vista bridge; southwesterly along the right bank of the Sacramento River to the Rio Vista Bridge; southeast along the Rio Vista Bridge to the left bank of the Sacramento River; southwest along the left bank of the enlarged Sacramento River channel to the north end of the west levee of Sherman Island; south to Mayberry Slough; southerly along Mayberry Slough to the San Joaquin River; south to the north boundary of the Contra Costa County Water District; easterly and southerly along the north and east boundaries of the Contra Costa County Water District to its intersection with the boundary of the East Contra Costa Irrigation District at the northeast corner of the SE ¼ of Section 25, T2N, R2E; southerly, westerly and southeasterly along the west, northern and southern boundaries of the East Contra Costa Irrigation District to its intersection with the west boundaries of the Byron Bethany Irrigation District; southeasterly along the southwestern boundary of the Byron Bethany Irrigation District, West Side Irrigation District, and Banta-Carbona Irrigation District to the Northwesterly corner of the West Stanislaus Irrigation District, thence Easterly and Southerly along the boundary of the West Stanislaus Irrigation District to the Stanislaus County line thence

along the County line Easterly to the Southeasterly corner of Reclamation District No. 2064 and Northeasterly along Reclamation District No. 2064 boundary, around its eastern side to Reclamation District No. 2075 and along the eastern and northern sides of Reclamation District No. 2075 to its intersection with the Durham Ferry Road; North along the Durham Ferry Road to its intersection with Reclamation District No. 17; along the eastern side of Reclamation District No. 17 to French Camp Slough; northerly along French Camp Turnpike to Center Street; north along Center Street to Weber Avenue; east along Weber Avenue to El Dorado Street; north along El Dorado Street to Harding Way; west along Harding Way to Pacific Avenue; north along Pacific Avenue to the Calaveras River; easterly along the left bank of the Calaveras River to a point approximately 1,600 feet west of the intersection of the Western Pacific Railroad and the left bank of said river; across the Calaveras River and then north 18° 26′ 36″ west a distance of approximately 2,870 feet; south 72° 50′ west a distance of approximately 4,500 feet to Pacific Avenue (Thornton Road); north along Pacific Avenue continuing onto Thornton Road to its intersection with the boundary line dividing Woodbridge Irrigation District and Reclamation District No. 348; east along this boundary line to its intersection with the Mokelumne River; continuing easterly along the right bank of the Mokelumne River to an intersection with the range line dividing R5E and R6E; north along this range line to the Sacramento-San Joaquin County line; west along the county line to an intersection with Reclamation District No. 1609; northerly along the eastern boundary of Reclamation District No. 1609 to the Cosumnes River, upstream along the right bank of the Cosumnes River to an intersection with the eastern boundary of extended section 23, T5N, R5E; north along the eastern boundary of said extended section to the southeast corner of the NE ¼ of the NE ¼ of said extended section; west to the southeast corner of the NE ¼ of the NW ¼ of said extended section; north to the southeast corner of the NW ¼ of extended section 14, T5N, R5E; west to an intersection with Desmond Road; north along Desmond Road to Wilder-Ferguson Road; west along Wilder-Ferguson Road to the Western Pacific Railroad; northerly along the Western Pacific Railroad to Lambert Station Road; west along Lambert Station Road to the southeast corner of Section 31, T6N, R5E; north to the northeast corner of the SE ¼ SE ¼ of said Section 31; west to the northwest corner of the SW ¼ SE ¼ of Section 36, T6N, R4E; north to the northwest corner of the SW ¼ NE ¼ of said Section 36; east to the southeast corner of the NE ¼ NE ¼ of said Section 36; north to the northwest corner of the SW ¼ SW ¼ of Section 30, T6N, R5E; east to the northeast corner of the SE ¼ SE ¼ of said Section 30; north to the northeast corner of the NE ¼ SE ¼ of said Section 30; west to the northwest corner of the NE ¼ SE ¼ of said Section 30; north to the northeast corner of the SW ¼ NE ¼ of said Sec-

tion 30; west to the northwest corner of the SW ¼ NE ¼ of said Section 30; north to the south line of Section 19, T6N, R5E; east along the south lines of Sections 19 and 20 to the south east corner of the SW ¼ of Section 20 T6N, R5E; north to the center of said Section 20; west to the southwest corner of the NE ¼ of said Section 20; north to the northwest corner of said Section 20; west to the northwest corner of the NE ¼ of Section 19, T6N, R5E; south to the southeast corner of the NE ¼ NW ¼ of said Section 19; west to the southwest corner of the NE ¼ NW ¼ of said Section 19; north to the northwest corner of the SE ¼ SW ¼ of Section 18, T6N, R5E; east to the northeast corner of the SE ¼ SW ¼ of said Section 18; north to the south line of Section 6, T6N, R5E; west to the southeast corner of the SW ¼ SW ¼ of said Section 6; north to the southeast corner of the SW ¼ NW ¼ of Section 31, T7N, R5E; west to an intersection with the range line dividing R4E and R5E; north along this range line to the south boundary of the City of Sacramento; westerly along the boundary of the City of Sacramento to its intersection with the Sacramento River; north along the right bank of the Sacramento River to the I Street Bridge.

Section, range, and township locations are referenced to the Mount Diablo Base Line and Meridian. Road names and locations are as shown on the following United States Geological Survey Quadrangles, 7.5 minute series: Rio Vista, 1953; Clayton, 1953; Vernalis, 1952; Ripon, 1952; Bruceville, 1953; Florin, 1953; and Stockton West, 1952.

SEC. 10.2. The area of each division of the agency is as follows:

Division 1

That portion of the agency in Contra Costa County described as follows:

Beginning at a point where the Contra Costa-Sacramento County line intersects with the Contra Costa-San Joaquin County line; southerly along the Contra Costa-San Joaquin and Contra Costa-Alameda County lines to the intersection with the boundary of the agency; northwesterly along the boundary of the agency to the Contra Costa-Sacramento County line; northeasterly along the Contra Costa-Sacramento County line to its intersection with the Contra Costa-San Joaquin County line, being the point of beginning.

Division 2

That portion of the agency in Sacramento County described as follows:

Beginning at a point on the Sacramento River at its confluence with Sutter Slough; southwest along the center line of Sutter Slough, Steamboat Slough, and Cache Slough to the Sacramento River; southwesterly along the left bank of the enlarged Sacramento River channel to the north end of the west levee of Sherman Island; south to Mayberry Slough;

southerly along Mayberry Slough to the Sacramento County line; northeast along Sacramento County line to the confluence of Georgiana Slough with the Mokelumne River; northerly along the center line of Georgiana Slough to its confluence with the Sacramento River, northwesterly along the center line of the Sacramento River to its confluence with Sutter Slough, being the point of beginning.

Division 3

That portion of the agency in Sacramento County described as follows:

Beginning at a point on the Sacramento River at its confluence with Sutter Slough; northeasterly along the center line of the Sacramento River to its intersection with the southern boundary of the City of Sacramento, which is also the boundary of the agency; southeasterly along the boundary of the agency to the Sacramento County line; southwesterly along the Sacramento County line to the confluence of Georgiana Slough and the Mokelumne River; northeasterly along the center line of Georgiana Slough to its confluence with the Sacramento River; northwesterly along the center line of the Sacramento River to its confluence with Sutter Slough, being the point of beginning.

Division 4

That portion of the agency in Solano County described as follows:

Beginning at a point where the Solano-Yolo County line intersects the Sacramento River Deep Water Ship Channel; southerly along said Ship Channel to Cache Slough; southerly along Cache Slough to the Sacramento River; southwesterly along the Sacramento River to the boundary of the agency at a point about 0.7 mile upstream from the Rio Vista Bridge; northerly along the boundary of the agency to the intersection with the Solano-Yolo County line; southerly and easterly along the Solano-Yolo County line to its intersection with the Sacramento River Deep Water Ship Channel, being the point of beginning.

Division 5

That portion of the agency in Yolo County described as follows:

Beginning at a point where the Solano-Yolo County line intersects the Sacramento River Deep Water Ship Channel; northeast along said Ship Channel to the southern boundary of Reclamation District 900; east along the southern boundary of Reclamation District 900 to the Sacramento River, which is also the boundary of the agency; northerly, westerly, and southerly along the boundary of the agency to its intersection

with the Solano-Yolo County line; southerly and easterly along the Solano-Yolo County line to its intersection with the Sacramento River Deep Water Ship Channel, being the point of beginning.

Division 6

That portion of the agency in Yolo and Solano Counties described as follows:

Beginning at the confluence of Steamboat Slough and Cache Slough within Solano County; northeast along the center line of Steamboat Slough to its confluence with Sutter Slough; northeast along the center line of Sutter Slough to its confluence with the Sacramento River; northerly along the Sacramento River to the southern boundary of Reclamation District 900; west along the southern boundary of Reclamation District 900 to the Sacramento River Deep Water Ship Channel; southwesterly along the Sacramento River Deep Water Ship Channel to Cache Slough; southerly along Cache Slough to the confluence with Steamboat Slough, being the point of beginning.

Division 7

That portion of the agency located in Alameda and San Joaquin Counties described as follows:

Beginning at a point where the Alameda-Contra Costa County line intersects the westerly boundary of the agency and running thence easterly along the Alameda-Contra Costa County line to the center of Old River, thence southerly and easterly along the center line of Old River to the northwesterly corner of Reclamation District No. 2058, thence around the westerly, southerly and easterly boundaries of Reclamation District No. 2058 to the northerly bank of Paradise Cut, thence eastward along the northerly bank of Paradise Cut to the center line of the San Joaquin River, thence southerly along the center line of the San Joaquin River to the Stanislaus County line and the southerly boundary of the agency, thence westerly and northerly along the southerly and westerly boundaries of the agency to the point of beginning.

Division 8

That portion of the agency in San Joaquin County described as follows:

Beginning at the point in Old River where the county lines of Alameda-Contra Costa, and San Joaquin meet, and running thence southerly and easterly along the center line of Old River to the northwesterly corner of Reclamation District No. 2058, thence around the westerly, southerly and easterly boundaries of Reclamation District No. 2058 to the northerly bank of Paradise Cut, thence eastward along the northerly

bank of Paradise Cut to the center line of the San Joaquin River, thence northerly along the center line of the San Joaquin River to the center line of Burns Cut-off, thence northerly along the center line of Burns Cut-off to the northerly boundary of Reclamation District No. 524, (Middle Roberts), thence westerly along with boundary of Reclamation District No. 524 to the center line of Middle River, thence westerly along the center line of Middle River to the line between Victoria and North Canals thence, westerly along the line between Victoria and North Canals, to the center line of Old River, thence southerly along the center line of Old River to the point of beginning.

Division 9

That portion of the agency located in San Joaquin County described as follows:

Beginning at the point where the center line of Old River is intersected by the line between Victoria and North Canals and running thence northerly along the center line of Old River to its intersection with the center line of the San Joaquin River and the Stockton Deep Water Channel running thence easterly and southerly along the center line of the Stockton Deep Water Channel to the center line of the San Joaquin River at the southeasterly corner of Rough and Ready Island, thence southerly along the center line of the San Joaquin River to the center line of Burns Cut-off, thence northerly along the center line of Burns Cut-off to the northerly boundary of Reclamation District No. 524 (Middle Roberts), thence westerly along the boundary of Reclamation District No. 524 to the center line of Middle River, thence westerly along the center line of Middle River to the line between Victoria and North Canals, thence westerly along the line between Victoria and North Canals to the point of beginning in the center line of Old River.

Division 10

That portion of the agency in San Joaquin County described as follows:

Beginning at the intersections of the center lines of the San Joaquin and Mokelumne River, and running thence along the center line of the Mokelumne River, (the San Joaquin-Sacramento County line), northerly and easterly to the northeasterly corner of Reclamation District No. 348, thence along the easterly and southerly boundary of Reclamation District No. 348, to the northeasterly corner of Reclamation District No. 2086 (the Canal Ranch) thence southerly along the exterior boundaries of Reclamation District No. 2086, Reclamation District No. 2033, (Brack Tract) and Reclamation Dis-

trict No. 548, (Terminous Tract), to the center of White Slough, thence easterly along the center line of White Slough to the center of the dredger cuts between Reclamation District No. 2044, (King Island), and the Rio Blanco Tract, thence following the center of the dredger cuts between Reclamation District No. 2044 and the Rio Blanco Tract and Reclamation District No. 2042, (Bishop Tract), southerly to the center line of Disappointment Slough, then easterly along the center line of Disappointment Slough to the center of the dredger cuts separating the Shima Tract and Reclamation District No. 2037, (Rindge Tract), southerly to the center line of Fourteen-Mile Slough, thence southwesterly along the center line of Fourteen-Mile Slough to the center of the Stockton Deep Water Channel, thence westerly along the center line of the Stockton Deep Water Channel and the San Joaquin River to the point of beginning.

Division 11

That portion of the agency in San Joaquin County described as follows:

Beginning at the northeasterly corner of Reclamation District No. 348, thence along the easterly and southerly boundary of Reclamation District No. 348, to the northeasterly corner of Reclamation District No. 2085, (the Canal Ranch), thence southerly along the exterior boundaries of Reclamation District No. 2086, Reclamation District No. 2033, (Brack Tract), and Reclamation District No. 548, (Terminous Tract), to the center line of White Slough, thence easterly along the center line of White Slough to the center of the dredger cuts between Reclamation District No. 2044, (King Island), and the Rio Blanco Tract, thence following the center of the dredger cuts between Reclamation District No. 2044 and the Rio Blanco Tract and Reclamation District No. 2042, (Bishop Tract), southerly to the center line of Disappointment Slough, then easterly along the center line of Disappointment Slough to the center of the dredger cuts separating the Shima Tract and Reclamation District No. 2037, (Rindge Tract), southerly to the center line of Fourteen-Mile Slough, thence southwesterly along the center line of Fourteen-Mile Slough to the center line of the Stockton Deep Water Channel, thence easterly along the center line of the Stockton Deep Water Channel to the point where the San Joaquin River enters the Deep Water Channel thence southerly along the center line of the San Joaquin River to the center line of the Stanislaus River, thence easterly and northerly along the southern and eastern boundary of the agency to the Sacramento-San Joaquin County line, thence westerly along the county line to the center line of the Mokelumne River, thence easterly along the center line of the Mokelumne River to the point of beginning.

CHAPTER 420

An act to add Section 989 to the Revenue and Taxation Code, relating to taxation of personal property.

[Approved by Governor June 28, 1968 Filed with Secretary of State June 28, 1968]

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

SECTION 1. Section 989 is added to the Revenue and Taxation Code, to read:

989. Unredeemed pledged goods in the possession of a pawnbroker, but not owned by him to hold and dispose of as his property, shall not be assessed to him.

CHAPTER 421

An act to amend Section 71140.3 of the Government Code, relating to courts.

[Approved by Governor June 28, 1968 Filed with Secretary of State June 28, 1968]

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

SECTION 1. Section 71140.3 of the Government Code is amended to read:

71140.3. Notwithstanding any provisions of Section 71140 to the contrary, in the Counties of Santa Clara, San Diego, and Orange a person is eligible to be elected or appointed to the office of judge of a municipal court of a judicial district if he is a resident eligible to vote in the county in which the judicial district is situated for a period of at least 54 days prior to the date of his election or appointment.

CHAPTER 422

An act to establish procedures for the assessment of open-space lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1968. Filed with Secretary of State June 28, 1968]

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

SECTION 1. Notwithstanding any other provision of law to the contrary, the assessment procedures specified under Section 423 of the Revenue and Taxation Code shall be effective with respect to land subject to taxation for the 1968–1969

fiscal year, if such land is subject to an instrument meeting the requirements of Section 422 of the Revenue and Taxation Code and such instrument is signed and recorded on or before June 15, 1968.

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:

Some counties and cities have inadvertently failed to file the instruments reflecting the true status of property as being eligible for the assessment authorized by the Constitution for open-space lands, and in some cases negotiations to sign such instruments were not completed by the lien date in 1968. As a result, some individuals now are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the proper valuation of such property for tax purposes. In so doing, the public policy of the state as expressed in the Constitution will be entirely fulfilled and the state as a whole will benefit.

CHAPTER 423

An act to amend Section 37380 of the Government Code, relating to city property.

[Approved by Governor June 28, 1968. Filed with Secretary of State June 28, 1968.]

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

SECTION 1. Section 37380 of the Government Code is amended to read:

37380. A city may lease property owned or held or controlled by it, or any of its departments for not to exceed 55 years.

CHAPTER 424

An act to amend Sections 5, 6, and 9 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to county water authorities.

[Approved by Governor June 28, 1968. Filed with Secretary of State June 28, 1968.]

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

SECTION 1. Section 5 of the County Water Authority Act (Chapter 545 of the Statutes of 1943) is amended to read:

Sec. 5. Any authority incorporated as herein provided shall have power:

(1) To have perpetual succession.

(2) To sue and be sued in all actions and proceedings and in all courts and tribunals of competent jurisdiction.

(3) To adopt a corporate seal and alter it at pleasure.

(4) To take by grant, purchase, bequest, devise or lease, and to hold, enjoy, lease, sell or otherwise dispose of, any and all real and personal property of any kind within or without the authority and within and without the state necessary or convenient to the full exercise of its powers; also to acquire, construct or operate, control and use any and all works, facilities and means necessary or convenient to the exercise of its powers, both within and without the authority, and within and without the state, and to do and perform any and all things necessary or convenient to the full exercise of the powers herein granted.

(5) To have and exercise the power of eminent domain and, in the manner provided by law for the condemnation of private property for public use, to take any property necessary to the exercise of the powers herein granted. In any proceeding relative to the exercise of such power of eminent domain, the authority shall have the same rights, powers and privileges as a municipal corporation.

(6) To construct and maintain works and establish and maintain facilities across or along any public street or highway and in, upon or over any vacant public lands which are now, or may become the property of the State of California; provided, however, that the authority shall promptly restore any such street or highway to its former state of usefulness as nearly as may be, and shall not use the same in such manner as to completely or unnecessarily impair the usefulness thereof. The grant of the right to use such vacant state lands shall be effective upon the filing by such authority with the Division of State Lands of the Department of Finance, of an application showing the boundaries, extent and locations of the lands, rights-of-way, or easements desired for such purposes. If the land, rights-of-way or easement for which application shall be made is for the construction of any aqueduct, ditch, pipeline, conduit, tunnel or other works for the conveyance of water, or for roads, or for poles, or towers and wires for the conveyance of electrical energy or for telephonic or telegraphic communication, no compensation shall be charged the authority therefor, unless, in the opinion of the Chief of such Division of State Lands the construction of such works will render the remainder of the legal subdivision through which such works are to be constructed valueless or unsalable, in which event the authority shall pay for the lands to be taken and for such portion of any legal subdivision which, in the opinion of said Chief of the Division of State Lands, are rendered valueless or unsalable. If the lands for which application is made are for purposes other than the

construction of roads or for works for the conveyance of water, or electricity or telephonic or telegaphic communication, such authority shall pay to the state for such lands at the reasonable rate determined by the Division of State Lands. Upon filing such application, accompanied by map or plat showing the location or proposed location of such works and/or facilities, the fee title to so much of such state lands as shall be found by the Chief of the Division of State Lands of the Department of Finance to be necessary or convenient to enable such authority to construct or maintain its works and/or to establish or maintain its facilities, shall be conveyed to such authority by patent executed by the Governor of the State of California, attested by the Secretary of State with the Great Seal of said state affixed, and countersigned by the registrar of state lands; if an easement or right-of-way only over such lands be sought by such authority, such easement or right-of-way shall be evidenced by permit or grant executed by such Chief of the Division of State Lands. The Chief of the Division of State Lands may reserve in such patents, grants or permits, easements and rights-of-way across any lands therein described for the construction of streets, roads and highways. Before any such patent, grant or permit shall be executed any compensation due to the state under the provisions hereof, must be paid. In the event that the duties or titles of any of the officers herein mentioned shall be changed by lawful authority, the functions herein required to be performed shall be performed by the appropriate officer or officers of the State of California. No fee shall be exacted from such authority for any patent, permit or grant so issued or for any service rendered hereunder. In the use of streets or highways the authority shall be subject to the reasonable rules and regulations of the governmental agency in charge thereof, concerning excavations and the refilling of excavations, the relaying of pavements and the protection of the public during periods of construction; provided, that the authority shall not be required to pay any license or permit fees, or file any bonds. The authority may be required to pay reasonable inspection fees.

(7) To borrow money and incur indebtedness and to issue bonds or other evidence of such indebtedness; provided, however, that no authority incorporated hereunder shall incur indebtedness which, in the aggregate, shall exceed fifteen (15) percent of the taxable property of the authority as shown by the last equalized assessment roll of the county in which the authority is located.

(8) To levy and collect taxes for the purpose of carrying on the operations and paying the obligations of the authority; provided, however, that such taxes levied under this section exclusive of any tax levied to meet the bonded indebtedness of such authority and the interest thereon and exclusive of any tax levied to meet any obligation to the United States of America or to any board, department or agency thereof, shall not

exceed five cents ($0.05) on each such one hundred dollars ($100) of assessed valuation.

(9) To enter into contracts, employ and retain personal services and employ laborers; to create, establish and maintain such offices and positions as shall be necessary and convenient for the transaction of the business of the authority, and to elect, appoint and employ such officers, attorneys, agents and employees therefor as shall be found by the board of directors to be necessary and convenient for the transaction of the business of the authority.

(10) To join with one or more other public corporations for the purpose of carrying out any of its powers, and for that purpose to contract with such other public corporation or corporations for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom. Such contracts may contain such other and further covenants and agreements as may be necessary and convenient to accomplish the purposes hereof. The term "public corporation" as used in this subdivision shall be deemed to mean and include the United States or any public agency thereof or this or any other state or any political district, subdivision or public agency thereof.

(11) To acquire water and water rights within or without the state, but not within the county in which the authority is organized and/or located; to develop, store and transport such water; to provide, sell and deliver water at wholesale for municipal, domestic and other beneficial uses and purposes; provided, each public agency, the area of which shall be a part of any authority incorporated hereunder, shall have a preferential right to purchase from the authority for distribution by such public agency, or any public utility therein empowered by said public agency for the purpose, for domestic, municipal and other beneficial uses within such public agency, a portion of the water served by the authority which shall, from time to time, bear the same ratio to all of the water supply of the authority as the total accumulation of amounts paid by such public agency to the authority on tax assessments and otherwise, towards the capital cost of the authority's works as defined from time to time by order of the board of directors shall bear to the total payments received by the authority on account of tax assessments and otherwise, towards such capital cost as defined from time to time by order of the board of directors; also to provide, sell and deliver surplus water of the authority not needed or required for beneficial purposes by the public agencies, the corporate area of which is included in such authority, but giving preference to uses within the authority; provided, that the supplying of such surplus water shall, in every case, be subject to the paramount right of the

authority to discontinue the same, in whole or in part, and to take and hold, or to provide, sell and deliver, such water for domestic, municipal or other beneficial uses within the authority upon one year's written notice to the purchaser or user of such surplus water, such notice to be given by the board of directors of the authority whenever it shall be determined and declared by resolution adopted by said board of directors by a two-thirds vote thereof that such water is needed or required by any public agency, the corporate area of which is included within said authority, for domestic, municipal or other beneficial uses therein; to fix the rates therefor, and to acquire, construct, operate and maintain any and all works, facilities, improvements and property necessary or convenient therefor.

(12) To cooperate and contract with United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto, or any other act of Congress heretofore or hereafter enacted authorizing or permitting such cooperation, for the purposes of construction of works, necessary or proper for carrying out the purposes of said authority, or for the acquisition, purchase, extension, operation or maintenance of constructed works, or for a water supply, or for the assumption as principal or guarantor of indebtedness to the United States; also to borrow or procure money from the United States, or any agency thereof for the purpose of financing any of the operations of the authority.

SEC. 2. Section 6 of the County Water Authority Act (Chapter 545 of the Statutes of 1943) is amended to read:

Sec. 6. All powers, privileges and duties vested in or imposed upon any authority incorporated hereunder shall be exercised and performed by and through a board of directors; provided, however, that the exercise of any and all executive, administrative and ministerial powers may be by said board of directors delegated and redelegated to any of the offices created hereby or by the board of directors acting hereunder.

The board of directors herein referred to shall consist of at least one representative from each public agency, the area of which shall lie within the authority. Such representatives shall be designated and appointed by the chief executive officers of said public agencies, respectively, with the consent and approval of the legislative bodies of the said public agencies, respectively.

Members of the board of directors shall hold office for a term of six years, and until their successors are appointed and qualified; provided, that the terms of the members of the first board shall be determined by lot so that the terms of not less than one-half of the members shall be for three years and the terms of the remainder shall be six years; provided further, that every member shall be subject to recall by the voters of the public agency from which such member is appointed, in accordance with the recall provisions of the freeholders' charter or other law applicable to such public agency; and provided

further, that any member may be recalled by the majority vote of the governing body of the public agency from which such member is appointed.

As a member of the board of directors, each representative shall be entitled to vote on all questions, orders, resolutions and ordinances coming before the board, and shall be entitled to cast one vote for each five million dollars ($5,000,000), or major fractional part thereof, of assessed valuation of property taxable for authority purposes in the public agency represented by him as shown by the last equalized assessment roll of the county and evidenced by the certificate of the county auditor; provided, that each representative shall have at least one vote and no public agency shall have votes exceeding in number the total number of votes of all the other public agencies whose corporate areas are included in such authority. In lieu of one representative, any public agency may at its option designate and appoint several representatives not exceeding one additional representative for each one hundred fifteen million dollars ($115,000,000) of assessed valuation, but such representatives shall cast the vote to which such public agency would otherwise be entitled as a unit and as a majority of such representatives present shall determine. The affirmative votes of members representing more than fifty (50) percent of the total number of votes of all the members shall be necessary, and, except as otherwise herein provided, shall be sufficient to carry any order, resolution or ordinance coming before the board of directors; provided, however, any meeting may be adjourned or recessed from day to day or from time to time, by vote of the director or directors present, irrespective of the number of directors present or the number of votes represented at such meeting. For the purposes of this section, the term "major fractional part" shall be deemed to mean a fractional part larger than one-half.

Members of the first board of directors so constituted shall convene at the call of the clerk of the board of supervisors in the meeting room of the board of supervisors at the county seat of said county, and immediately upon convening, such board of directors shall elect from its membership a chairman, a vice chairman, and a secretary, who shall serve for a period of two years, or until their respective successors shall be elected and qualified.

SEC. 3. Section 9 of the County Water Authority Act (Chapter 545 of the Statutes of 1943) is amended to read:

Sec. 9. (a) Immediately after equalization and not later than the 15th day of August of each year, it shall be the duty of the auditor of the county wherein such authority shall lie, to prepare and deliver to the controller of the authority a certificate showing the assessed valuation of all property within the authority, and also such assessed valuation segregated according to public agencies, the areas of which lie within the authority.

(b) On or before the 20th day of August the board of directors of the authority shall by resolution determine the amount of money necessary to be raised by taxation during the fiscal year beginning the first day of July next preceding and shall fix the rate of taxation of the authority, designating the number of cents upon each one hundred dollars ($100) assessed valuation of taxable property and shall levy a tax accordingly:

(1) Sufficient, when taken with other revenues available for the purpose, to meet interest and sinking fund requirements on all outstanding bonded indebtedness of said authority; and sufficient, when taken with other revenues available for the purpose, to meet the payment of the principal and interest on any refunding bonds, or any bonds the issuance of which may have been authorized by the electors and which bonds have not been sold but which, in the judgment of the board of directors, will be sold prior to the time when money will be available from the next subsequent tax levy, and in case such bonds are not so issued and sold or such tax for any other reason is not required for said purpose, the tax so levied shall be applied to the payment of interest and/or principal on any refunding bonds, or on any bonds authorized by the electors, then outstanding or subsequently issued and/or sold; and

(2) For all other authority purposes.

(c) The board of directors shall also cause to be computed and shall declare in said resolution the amount of money to be derived from the area of the authority lying within each separate public agency by virtue of the tax levy. In such resolution the board shall also fix and determine the times and proportional amounts of installments in which any public agency may elect to make payment in lieu of taxes as hereinafter provided. The board shall immediately cause certified copies of such resolution to be transmitted to the presiding officer of the governing body of each such public agency.

(d) On or before the 15th day of December of each year the governing body of each such public agency may elect to pay out of its funds available for that purpose all or any portion of the amount of tax which would otherwise be levied upon property within such public agency. Such election shall be made by order upon motion, which order shall recite that such payment shall be made in cash concurrently with the certification of such order to the controller of the authority, or that such payment shall be made in installments and the times wherein such installments shall be payable and the amounts thereof, which amounts shall be in accordance with the requirements of the board of directors of the authority as approved by resolution In the event that any public agency shall elect to pay in cash, or by deferred installments, money or any part thereof which would otherwise be levied upon property within the public agency, it shall immediately certify to the controller of the authority a copy of such order and a statement showing its fi-

nancial condition, the funds from which such payments shall be made and the sources of revenue to be used therefor; provided, however, that in the event any public agency shall elect to pay in cash all or any portion of the amount of tax which would otherwise be levied upon property within such public agency to meet interest and sinking fund requirements on the outstanding bonded indebtedness of said authority, such amount so elected to be paid shall be deposited with the treasurer of said authority on or before the 27th day of August next following such election; and provided, also, that unless such payment is so made in the case of interest and sinking fund requirements, and unless such election, as to all other taxes, shall provide for payments in accordance with the resolution of the board of directors as hereinbefore provided for, then such election shall be ineffective for any purpose.

(e) Before the first day of September the controller of the authority shall cause to be prepared and transmitted to the auditor of the county in which the authority shall lie, a statement showing the tax rate to be applied to assessed property in each public agency, which rate shall be the rate fixed by resolution of the board of directors modified to the extent necessary to produce from each public agency only the amount of money apportioned thereto in said resolution, less any amount paid or undertaken to be paid by such public agency, or credited thereto as herein provided, but if any fraction of a cent occur, it must be taken as a full cent ($0.01) on each one hundred dollars ($100).

(f) Upon receipt by the auditor of the county in which such authority shall lie, of a certified copy of the controller's statement showing the tax rate to be applied to assessed property in each public agency, and showing the public agencies, the assessed property in which is exempt therefrom, if any, it shall be the duty of the county officers to collect taxes for the benefit of the authority at the rate specified as herein provided. The taxes so levied shall be computed and collected at the same time and in the same manner required by law for the assessment, computation and collection of taxes for county purposes, and the property subject to such tax shall be subject to the same penalties for delinquency, and the same provisions of law relating to the sale of property for nonpayment of county taxes and redemption thereof shall apply to the tax herein authorized. When so collected, such taxes shall be paid over to the treasurer of the authority, subject to the deduction herein authorized.

In consideration of services rendered hereunder, any county shall annually be entitled to deduct and retain for its own use and benefit an amount not exceeding 1 percent on the first twenty-five thousand dollars ($25,000) collected hereunder, and one-fourth of 1 percent of any amount in excess of twenty-five thousand dollars ($25,000) collected hereunder. The board of supervisors of each such county may provide

such extra help as in their judgment may be necessary for the proper performance of duties hereunder.

(g) Whenever any real property situated in any authority organized hereunder and upon which a tax shall have been levied, as herein provided, shall be sold for taxes and shall be redeemed, the money paid for such redemption, except advertising costs, shall be apportioned and paid in part to such authority in the proportion which the tax due to such authority shall bear to the total tax for which such property shall have been sold. All taxes levied together with penalties, interests and costs under the provisions of this act shall be a lien upon the property upon which levied, and the enforcement of the collection of such tax shall be had in the same manner and by the same means as is or shall be provided by law for the enforcement of liens for county taxes, and all of the provisions of law relating to the enforcement of such taxes are hereby made a part of this act so far as applicable.

(h) Public agencies, the areas of which are included within any county water authority incorporated hereunder, are hereby authorized to pay to any such authority, out of funds derived from the sale of water or other funds not appropriated to some other use, such amounts as may be determined upon by the governing bodies thereof, respectively. Such payments may be made in avoidance of taxes as herein provided, or otherwise, and are hereby declared to be for a public purpose and shall not be deemed gratuitous or in the nature of gifts, but shall be deemed payments for water or services in connection with the distribution of water. Any public agency making any such payment to any authority incorporated hereunder, whether in avoidance of taxes or otherwise, shall receive credit therefor and the amount of the payment so made by any public agency shall be deducted from the amount of taxes which would otherwise be levied against property lying therein as herein provided. In the event that payment so made by any public agency shall exceed the amount of taxes which would otherwise have been levied against property within such public agency, the amount of such excess without interest shall be carried over and applied in reduction of taxes levied, or which would otherwise have been levied during the ensuing year or years.

Any public agency, including a county, which shall have incurred expenses in negotiating contracts or in the investigation of or preliminary work upon any works or projects or in making payments on account of any such contracts, works or projects, taken over by the authority, may receive, and the authority so taking over any such contracts, works or projects may make to such public agency, reimbursement for all such sums so expended, or to be expended, for expenses incurred in such negotiations for, investigation of, preliminary work upon, or payments made on account of the contracts, works or projects so taken over by the authority, to the extent that the board of directors of the authority shall find that such expenditures

have benefited such authority, it being the intention of this provision to permit the authority to purchase, and the public agency to sell, assign and transfer such contracts, works or projects taken over by such authority. The sum so to be paid by such authority to such public agency shall be such amount as may be mutually agreed upon.

As an alternative to the purchase and sale of any contracts, works or projects taken over by the authority, as hereinabove provided, any public agency which shall have incurred expenses in negotiating contracts or in the investigation of or preliminary work upon any such works or projects or in making payments on account of any such contracts, works or projects taken over by the authority, may certify the amount thereof, without interest, to the board of directors of said authority at any time within four (4) years from the date of the incorporation of such authority, or the incurring of such expenses, if such authority be already incorporated, and if allowed by the board of directors, such amount shall be credited to the public agency which incurred the same, and such expenditures shall be considered as a payment of money made as herein provided for which deduction shall be made from the amount of taxes which would otherwise be levied against property lying within such public agency.

Any public agency which shall incur expenses in preliminary work in preparing for the incorporation of or in the incorporation of any authority hereunder likewise may certify the amount thereof, without interest, to the board of directors of said authority at any time within four (4) years from the date of the incorporation of such authority, and if allowed by the board of directors, such amount shall be credited to the public agency incurring the same, and shall be considered as a payment of money made as herein provided, for which deduction shall be made from the amount of taxes which would otherwise be levied against property lying within such public agency.

No such payments of money made in lieu of taxes or otherwise, or such credit allowed by such board of directors, as hereinabove provided, shall apply to reduce the amount of taxes which would otherwise be levied against the property within such public agencies respectively, to meet interest and sinking fund requirements on outstanding bonded indebtedness of such authority.

Such certification and allowance shall be made on or before the first Monday in July, and the amount of money to be raised by taxation shall be computed with reference to the credit to be allowed as herein provided, but such credit may, in the discretion of the board of directors, be considered in connection with the amount of money to be raised by the next tax levy, or may be spread over subsequent years, not to exceed five.

(i) If any public agency shall fail to comply with the terms of the order relating to payments to be made to the authority in lieu of taxation, or if any public agency annexed to the authority shall fail to comply with the terms and conditions fixed by the board of directors and upon which such annexation occurred, the amount of the delinquency, plus a penalty of 8 percent shall be added to the taxes to be collected during the ensuing fiscal year, from the property within such delinquent public agency, and thereafter for a period of two (2) years no order or ordinance shall be sufficient to exempt the property in said public agency from taxation hereunder unless it be accompanied by payment in cash of the amount which would otherwise be collected from owners of property within the public agency, together with all moneys due but unpaid under any previous order, or annexation provision.

(j) All provisions herein, or in any ordinance adopted pursuant hereto, relating to the respective times when the various acts pertaining to the levy of taxes are to be performed, are directory only, and failure to perform any such act or acts within the time so specified shall not impair the legal authority herein conferred to perform all subsequent acts relating to the levy of such taxes. In the event that any of the provisions of law respecting the time and manner of assessing property for purposes of taxation, of equalizing such assessments, of certifying such assessed valuations to the taxing authorities, of making the tax levies, of certifying such tax levies to the proper authorities for extension upon the tax rolls, and for enforcement and collection of such taxes or of performing any other act regarding the assessment, levy or collection of taxes be amended, changed, repealed or newly enacted, and as a result thereof, it should appear to the board of directors of the authority that the time schedule provided herein respecting the levy of authority taxes be no longer consistent with such modified tax procedure, then said board of directors by ordinance may prescribe a new schedule setting forth the times when the various acts herein required to be done in levying authority taxes shall be performed. Nothing contained in this paragraph shall relieve the board of directors of its duty to provide adequate funds, by annual tax levies if necessary, to meet the interest and principal requirements of the bonded debts as they fall due.

(k) For the purpose of assessing and collecting, under the provisions of Section 9(a) of Article XIII of the Constitution of the State of California, the taxes levied by any authority incorporated hereunder, the rate for taxes levied for the preceding tax year, as such phrase is employed in said section of the Constitution, shall be the rate fixed for such preceding tax year by the board of directors of such authority pursuant to Section 9, subdivision (b) of this act. In the event that any public agency, pursuant to the provisions of Section 9, subdivision (d) of this act, shall elect to pay the whole or any portion of the amount of taxes to be derived from the area of

the authority within such public agency, as such amount shall have been fixed by resolution of the board of directors, a refund shall be made by the authority to each taxpayer thereof who shall have theretofore paid any tax collected under the provisions of said section of the Constitution, in the proportion that such public agency shall have so elected to pay the amount so to be derived. The board of directors shall adopt regulations providing for the presentation and audit and payment of claims for such refunds. No claim for such refund shall be granted unless such claim shall have been filed within one year from the date when the right to such refund shall have accrued.

CHAPTER 425

An act to amend Section 32550 of the Water Code, relating to county water districts.

[Approved by Governor June 28, 1968. Filed with Secretary of State June 28, 1968.]

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

SECTION 1. Section 32550 of the Water Code is amended to read:

32550. Territory within a district may be annexed to an improvement district whether or not contiguous thereto, provided that such territory is not a part of an improvement district constituted for a similar purpose.

CHAPTER 426

An act to amend Sections 1815, 2052, 2053, 2054, and 2055 of the Revenue and Taxation Code, relating to the county assessment roll, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1968. Filed with Secretary of State June 28, 1968.]

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

SECTION 1. Section 1815 of the Revenue and Taxation Code is amended to read:

1815. To enable the board to perform its duties under this article and Sections 9 and 14 of Article XIII of the State Constitution, the board shall make a survey, not less often than triennially, in each county to determine the total full cash value of all locally assessable tangible property as of the lien date for the roll which is current when the survey is commenced. As a basis for this determination, the board shall as-

certain the full cash value of a sample of locally assessable tangible property sufficient in size and dispersion to insure an adequate representation therein of the several classes of property throughout the county. The board shall for such purposes have access by its duly authorized representatives to all records, public or otherwise, of any county assessor.

SEC. 2. Section 2052 of the Revenue and Taxation Code is amended to read:

2052. The local roll as delivered to the auditor pursuant to Section 1753 or 617, including any changes made by the county board during the month of July, together with the board roll as transmitted to the auditor pursuant to Section 756 or the confirmed or changed estimate transmitted pursuant to Section 759, shall become the last equalized roll on the first Tuesday after the third Monday in August, and such rolls together shall continue to be the last equalized roll, except as otherwise provided in this chapter, (a) for the purpose of computing any debt limit for the issuance of bonds of any public entity that is based on a percentage of assessed valuation as shown on the last equalized assessment roll and (b) for all other purposes, until the assessment roll for the following year becomes the last equalized roll in accordance with the provisions of this section.

SEC. 3. Section 2053 of the Revenue and Taxation Code is amended to read:

2053. If the board makes any change in the local roll pursuant to Sections 1822 and 1822.5, the local roll as so changed, together with the board roll as transmitted to the auditor pursuant to Section 756 or the confirmed or changed estimate transmitted pursuant to Section 759, shall become the last equalized roll on the date the auditor receives notice of the action of the board, except for the purpose of computing any debt limit referred to in Section 2052.

SEC. 4. Section 2054 of the Revenue and Taxation Code is amended to read:

2054. If the board makes any change in the local roll pursuant to Section 1823, the local roll as so changed, together with the board roll as transmitted to the auditor pursuant to Section 756 or the confirmed or changed estimate transmitted pursuant to Section 759, shall become the last equalized roll on the date the preliminary statement becomes final, or on the date the auditor receives notification of the final determination, as the case may be.

SEC. 5. Section 2055 of the Revenue and Taxation Code is amended to read:

2055. If the county board of equalization, or an assessment appeals board, as the case may be, makes any changes in the local roll pursuant to Chapter 1 (commencing with Section 1601) or Chapter 1.5 (commencing with Section 1750) of Part 3 of Division 1, the local roll as so changed, and including any other changes in the local roll made pursuant to law, together with the board roll as transmitted to the auditor pursuant

to Section 756 or the confirmed or changed estimate transmitted pursuant to Section 759, shall become the last equalized roll on the third day after the final adjournment of the county board of equalization or all assessment appeals boards of the county as the case may be, except for the purpose of computing any debt limit referred to in Section 2052.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The technical and clarifying changes made by this act are necessary because subsequent to the time when the sections herein amended were first enacted, other portions of the Revenue and Taxation Code were amended so as to make the references in the sections herein amended inaccurate, confusing and ambiguous. Hence, the foregoing amendments are urgently needed, prior to the time when the county assessment rolls for 1968–1969 will be filed, to insure accurate calculation by certain local agencies of limitations on bonded indebtedness in order to enable such local agencies to borrow money urgently needed for the preservation of the public peace, health, and safety.

CHAPTER 427

An act to amend Sections 12820, 12821, and 12823 of, to add an article heading immediately preceding Section 12820 of, and to add Article 2 (commencing with Section 12830) to Chapter 9 of Division 9 of, to add Chapter 10 (commencing with Section 12851) to Division 9 of, the Education Code, and to amend Sections 8573 and 8574 of the Education Code, as proposed by Senate Bill No. 1, relating to testing of public school pupils.

[Approved by Governor June 28, 1968. Filed with Secretary of State June 28, 1968.]

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

SECTION 1. An article heading is added immediately preceding Section 12820 of the Education Code, to read:

Article 1. General Provisions

SEC. 2. Section 12820 of the Education Code is amended to read:

12820. As used in this chapter:

(a) "Achievement test" means any standardized test which measures or attempts to measure the level of performance which a pupil has attained in one or more courses of study.

(b) "Physical performance test" means any test which measures or attempts to measure the physical fitness of a pupil.

(c) "Intelligence test" means any standardized test which measures or attempts to measure the scholastic aptitude of a pupil.

(d) "Testing program" means the systematic achievement, physical fitness, and intelligence testing of any or all pupils in grade 6 or 8, whichever is the last grade in the particular elementary school within the school district, and grade 12 in any or all schools within a school district.

(e) "Basic skills courses" means those subjects which involve, among other skills, memorization and mastery of specific functions, including, but not limited to, reading, spelling, basic mathematics, and grammar.

(f) "Content courses" means those subjects which require the integration of factual matter, logical analysis, the solution by the student of posed problems, and the ability to communicate ideas, including, but not limited to, literature, history, advanced mathematics, and science.

SEC. 3. Section 12821 of the Education Code is amended to read:

12821. The State Board of Education shall require a minimum testing program in basic skills courses in all school districts and shall adopt rules and regulations governing the frequency and methods of administration of the testing programs.

The State Board of Education shall annually designate or redesignate the achievement, the physical performance test, and the intelligence test, which shall be used during the ensuing school year in grade 6 or 8, whichever is the last grade in the particular elementary school within the school district, and grade 12 of this testing program except as provided in Section 12824.

It is the intent and purpose of the Legislature that the State Board of Education shall assess the level of student competence and achievement in the various content and basic skill courses commonly taught in the public schools. The Legislature finds and declares that a finding of adequate pupil competence and achievement is essential if public expenditures on education are to be justified.

SEC. 3.5. Section 12823 of the Education Code is amended to read:

12823. The governing board of a school district shall provide the State Department of Education with the results of any testing program conducted in the school district upon forms which the Superintendent of Public Instruction may prescribe. The districtwide results of the testing program, but not the score or relative position of individual pupils, shall be reported to the governing board of the district at least once a year at a regularly scheduled meeting.

SEC. 4. Article 2 (commencing with Section 12830) is added to Chapter 9 of Division 9 of the Education Code, to read:

Article 2. Content Course Testing

12830. The State Board of Education shall adopt minimum academic standards for pupils in grades 6, 8, and 12, to include minimum level of student competence, and shall adopt achievement tests pursuant to this chapter which adequately evaluate the minimum level of student competence required by the board.

12830.5. The governing board of each school district maintaining grade 6 or 8, whichever is the last grade in the particular elementary school within the school district, and grade 12 shall annually administer the achievement test designed by the State Board of Education at each of such appropriate grade levels.

12831. The governing board of each school district shall annually report to the Department of Education, pursuant to rules and regulations adopted by the State Board of Education, the scores of the achievement tests administered pursuant to this chapter.

12832. The State Board of Education may accept federal or other funds for the purpose of financing studies under this article. Such studies shall be conducted by the board on an ad hoc basis, and the board may utilize the expert services of any persons or groups of persons in public or private employment.

12833. From time to time, as the State Board of Education may determine, the board shall conduct studies of the effectiveness of the various content courses commonly offered by the public schools of this state. Such studies shall include details of the specific objectives of the courses and the level of achievement attained by students enrolled in such courses and, for this purpose, the board may use the results of any test administered under the provisions of this chapter.

12834. So far as practicable, the State Board of Education shall endeavor to assess the relative achievement of California students with students in comparable states, including, but not limited to, those states in the northeast quadrant of the United States.

12835. Upon the completion of a study by the board, the board shall report its findings, and recommendations, if any, to the Governor and the Legislature not later than January 1 of the year succeeding completion of the study.

12836. In making reports to the Legislature, the board shall maintain the anonymity of all individual students involved, as well as the participating school districts. The board may make analyses involving other factors, including, but not limited to, general categories of pedagogies in use, type of district organization, geographic area, socioeconomic data, size of school district, or other analytical items which may prove useful.

12837. The governing board of any school district shall cooperate fully with the State Board of Education in making its schools available for studies; provided, that the State Board of Education shall provide all necessary materials and consultant services free of charge to the district.

12838. No provision of this chapter or Article 3 (commencing with Section 8571) of Chapter 3 of Division 7 of this code shall be construed to mean, or represented to require, that graduation from a high school or promotion to another grade level is in any way dependent upon successful performance on any test administered as a part of the statewide testing program.

SEC. 5. Section 8573 of the Education Code, as proposed by Senate Bill No. 1, is amended to read:

8573. No pupil shall receive a diploma of graduation from grade 12 who has not completed the course of study and met the standards of proficiency prescribed by the governing board. Standards of proficiency in basic skills shall be such as will enable individual achievement and ability to be ascertained and evaluated. Requirements for graduation shall include:

(a) English.
(b) American history.
(c) American government.
(d) Mathematics.
(e) Science.
(f) Physical education, unless the pupil has been exempted pursuant to the provisions of this code.
(g) Such other courses as may be prescribed.

SEC. 6. Section 8574 of the Education Code, as proposed by Senate Bill No. 1, is amended to read:

8574. The governing board of any school district maintaining a high school shall adopt minimum academic standards for graduation from the high schools within its school district. Such minimum academic standards shall include separate courses of study including, but not limited to, a course of study designed to prepare prospective students for admission to state colleges and the state university and for vocational training. Such standards shall be made available to the public. Such minimum academic standards shall be equal to or exceed the minimum academic standards prescribed by the State Board of Education pursuant to Section 8575 of this code.

SEC. 7. Chapter 10 (commencing with Section 12851) is added to Division 9 of the Education Code, to read:

CHAPTER 10. TESTING EVALUATION AND ANALYSIS

12851. This chapter may be cited as the California School Assessment Act of 1968.

12852. The State Department of Education shall prepare and submit an annual report to the State Board of Education and to each school district in the state containing an analysis,

on a district-by-district basis, of the results of every testing program conducted through a statewide program or on a statewide basis, which is to include, but is not limited to, an analysis of the following operational factors having a substantive relationship to or bearing on such results:

(a) Maximum and minimum salary range of teachers.

(b) Average class size in grades 1 to 3, inclusive.

(c) Pupil-teacher ratio in grades 4 to 8, inclusive.

(d) Number of nonteaching certificated personnel per 100 full-time teachers.

(e) Total rate of school district tax.

(f) Assessed valuation per average daily attendance.

(g) Percentage of minority enrollment.

(h) Index of family poverty, derived from dividing funds received under Title I of the Elementary and Secondary Education Act of 1965 (Public Law 89-10) by the average daily attendance in the district.

(i) Average scholastic ability.

(j) Average transitory factor as derived from dividing the average daily attendance of the school by the total annual enrollment of the school.

12853. The State Board of Education shall make recommendations to the Legislature as the board deems appropriate concerning appropriate or necessary legislation with respect to the results of the testing program and the evaluation and analysis thereof required by this chapter.

SEC. 8. The expenses incurred by the Department of Education and the State Board of Education in administering the provisions of Chapter 10 (commencing with Section 12851) of Division 9 of the Education Code in the 1968–1969 fiscal year shall be financed by the allocation of such amounts as are necessary therefor from the increased federal funds which are to be provided under the Elementary and Secondary Education Act (Public Law 89-10) for the fiscal year 1968–1969 and which are authorized to be expended for purposes including those specified in Chapter 10.

CHAPTER 428

An act to modify the method for computing the maximum capacity of school district bonded indebtedness, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1968. Filed with Secretary of State June 28, 1968.]

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

SECTION 1. Notwithstanding Section 21703 of the Education Code, for purposes of Chapter 7 (commencing with Section 21701) of Division 16 of the Education Code, the total

amount of bonds issued shall not exceed 10 percent of the taxable property of a unified school district to which this act is applicable, which is not maintaining a junior college as shown by the last equalized assessment of the county or counties in which the district is located, without modification pursuant to Section 17262 of the Education Code.

This act shall apply only to a district if it meets all of the following conditions:

(1) The factor computed for the territory of the district pursuant to Section 17261 of the Education Code for the 1967–1968 fiscal year was 0.94.

(2) The district is not participating in the state school building aid program.

(3) The district has an average daily attendance of less than 25,000, and the governing board by resolution specifies that this act shall be applicable to the district.

SEC. 1.5. This act shall be operative until July 1, 1970, after which it shall have no force or effect.

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

Certain unified school districts which are in immediate need of capital outlay funds are unable to issue bonds under present provisions of law which restrict the issuance of bonds beyond a maximum amount. This act will permit such school districts to issue additional bonds beyond the present statutory maximum amount. In order that such school districts may obtain capital outlay funds as soon as possible to meet the educational needs of their students, it is necessary that this act go into immediate effect.

CHAPTER 429

An act to amend Section 5096.7 of the Revenue and Taxation Code, relating to property taxation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1968. Filed with Secretary of State June 28, 1968.]

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

SECTION 1. Section 5096.7 of the Revenue and Taxation Code is amended to read:

5096.7. If taxes have been paid on property acquired by negotiated purchase by any public entity designated in subdivision 2(a) of Section 4986 after the commencement of the fiscal year for which the taxes are a lien on the property, the portion of such taxes which are allocable to that part of the fiscal year which begins on the date of the acqui-

sition of the property and made uncollectible if unpaid by virtue of Section 4986, shall be deemed erroneously collected and shall be refunded to such person who has paid the tax, where such person was not otherwise reimbursed for such portion of the taxes by the public entity which acquired the property.

Refunds under this section shall be applicable to taxes paid on either the secured or unsecured rolls.

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

The facts constituting such necessity are:

Presently all property in the community of Port Chicago in Contra Costa County is being acquired by the U.S. Navy by condemnation or by negotiated purchase or sale. Those persons who have paid their taxes for the current fiscal year and whose properties have been acquired by negotiated purchase or sale will, by virtue of this act, be able to obtain a refund of that portion of the paid taxes covering the period from the date of acquisition to the end of the current fiscal year. Without this amendment, such persons who have paid taxes will suffer an unjustifiable loss.

CHAPTER 430

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1968 Filed with Secretary of State June 29, 1968.]

I object to the following appropriations in Senate Bill No. 240:

Item 52—For support of Commission on California State Government Organization and Economy. I reduce this item in the amount of $35,000 from $87,472 to $52,472.

It was proposed to spend this sum for contract services to study those recommendations of the Governor's Cost Control Task Force that should be submitted to the Legislature However, the Legislature has ample resources, through its normal committee structure, to review these proposals

Item 59 1—For support of Department of Agriculture. I reduce this item in the amount of $40,000 from $51,290 to $11,290 by eliminating schedule (a)

This reduction lowers the state appropriation to the level necessary to provide new market reports on a matching basis with federal funds

Item 93—For support of University of California I reduce this item in the amount of $5,399,919 from $12,882,293 to $7,482,344.

I am approving an increase of seven new full-time faculty posts over my original budget, which provided for workload increases while moving toward the ratio established by the university.

I reduced the proposed relocation expense and administrative services for the California College of Medicine as a nonessential requirement for this year.

I approve the augmentation of 17.5 faculty positions as added assistance to the California College of Medicine in meeting accreditation standards. I do not believe the related augmentation items have been adequately justified on a priority basis, however, the university has the flexibility to adjust its appropriations in keeping with changing priorities.

I have eliminated the augmentation for the purchase of equipment at the teaching hospitals because I believe the university should meet this cost by adjusting the charges to those patients who benefit from the services provided in the hospitals and who have the ability to pay.

I have also eliminated an unessential augmentation for plant maintenance.

I have eliminated the augmentation labeled "for merit increases." I believe the university can finance these merit increases by use of the salary savings we included in the budget in keeping with guidelines that were applied across the board to all agencies of state government.

Item 94—For support of University of California. I reduce this item in the amount of $614,593 from $269,604,365 to $268,989,772.

I have reduced this item in keeping with the most recent enrollment projections by the university for the summer quarter at the Berkeley campus.

Item 94.3—For support of University of California. I eliminate this item.

I have eliminated this item because all of the financing for the Educational Opportunity Awards Program will be fully available from student registration fees approved by the Regents in April of 1968. This action of the Regents parallels my publicly expressed position that those students who are receiving the benefits of a university education in a public institution have a basic responsibility to share in the cost of providing that educational opportunity.

Furthermore, the restrictive language added to this item by the Legislature would start a dangerous, and possibly unconstitutional practice of attempting to influence decisions of the Regents by offering financial inducements to the university in return for regental action desired by some Members of the Legislature.

Item 100—For support of Trustees of the California State Colleges and the California State Colleges. I reduce this item in the amount of $952,103 from $15,305,151 to $14,353,048.

I am eliminating the $60,000 augmentation for the proposed research project at Fresno State College.

This augmentation was to support the type of proposal which can be accomplished within budgeted funds and by using authorized faculty. However, should the project require additional support, and it it is one of high priority, there exists sufficient flexibility within the State College System to transfer the necessary resources to accomplish the stated objectives.

I am eliminating the proposed $144,718 augmentation for support of computer-assisted instruction and instructional television at California State College at Los Angeles.

Budget augmentation for computer-assisted instruction, coupled with instructional television is premature at this time, because no realistic program for economic utilization and the evaluation of benefits has been prepared by the State College System.

I am eliminating the $396,241 augmentation for planning funds for year-round operations at four colleges.

The Coordinating Council for Higher Education has been directed by the Legislature to conduct a study of the economic feasibility of year-round operations. Approval of additional planning funds at four state college campuses has been withheld pending completion of the study.

I reduce the augmentation from $192,693 to $25,170 for support of the Relations With Schools program.

The amount is sufficient to initiate this new program, at the Chancellor's Office level, and to provide planning and implementation on a trial basis.

I reduce from $205,801 to $109,180 the augmentation for support of out-of-state travel for faculty.

This item will provide an approximate 60 percent increase in the available funds for out-of-state travel. Approval of this augmentation provides for a justifiable increase in the ability of the State Colleges System to retain and attract new faculty members.

This action also enables me to eliminate the $87,000 augmentation for support of interview expense for recruitment of faculty.

Item 108.5—For support of Department of Employment. I eliminate this item.

The restrictive language in this section provides that funds may be expended only to maintain the program level existing during May, June, July, August, and September, 1966. As there has been no decrease in the statewide program level since that arbitrarily chosen base period, the

augmentation funds are not required, nor would they accomplish their stated purpose of aiding summer employment The department has redirected its funds and efforts to secure greater youth employment in the most disadvantaged areas of the state, and we have a successful summer job program already under way.

Item 140—For support of Service Center Program I reduce this item in the amount of $125,000 from $4,358,566 to $4,233,566 by reducing the schedule (a) General Fund, from $4,039,496 to $3,914,496.

A delay in occupancy of the permanent facilities for two centers has resulted in a reduction of $125,000 in the funds required for payment of rent I support the establishment of the new Fresno Service Center added by the Legislature This reduction for rent does not affect the new center

Item 140 5—For support of Service Center Program I eliminate this item

The services which were to be funded from this item will be provided by the transfer of presently authorized and vacant positions from other service centers No reduction in level of service will occur as a result of the elimination of this item

Item 204 1—For support of Department of Conservation, for state's share of the expenses of the Pleasanton Plant-Materials Center. I eliminate this item

This is a federal facility, currently operating without state support I believe the facility performs a worthwhile service which should continue to be supported without State General Fund assistance

Item 258 5—For university salary increases for faculty positions I reduce this item in the amount of $505,300 from $5,558,090 to $5,052,790.

I am supporting this item, and all salary appropriations, at the level set forth in my original budget, which provided a 5 percent salary increase for university personnel

Item 259 5—For California State Colleges' salary increases for instructional positions I reduce this item in the amount of $3,385,127 from $13,540,510 to $10,155,383

I am supporting this item, and all salary appropriations, at the level set forth in my original budget, which provided a 7 5 percent salary increase for state college personnel.

Item 286—For support of Assistance to Public Libraries, Division of Libraries, Department of Education I reduce this item in the amount of $400,000 from $1,600,000 to $1,200,000

The level of expenditure which I am approving increases the existing level of service by 50 percent, and represents a program level that is $200,000 above the maximum heretofore provided by the state.

Item 301 1—For grants to soil conservation districts, Division of Soil Conservation, Department of Conservation. I eliminate this item.

This appropriation appears to fund projects that are local in nature, and difficult to justify in terms of statewide benefits

We have recommended to the Legislature that the program be handled at the local level or by a state loan program

Item 310—For capital outlay, Department of General Services I reduce this item in the amount of $300,000 from $1,198,375 to $898,375 by eliminating paragraph (cx) Working drawings for office building—San Jose.

A recently completed survey by the Department of General Services indicated a lack of economic justification for the construction of a state building in San Jose at this time. As a result an expenditure for working drawings cannot be justified.

Item 312 1—For capital outlay, Department of General Services, schedule (a) Site Clearance—Van Nuys I reduce this item in the amount of $50,000 from $75,000 to $25,000.

Revised estimates indicate that the remaining amount I have left in the budget should be sufficient to accomplish this necessary project

Item 358—For capital outlay, Department of Parks and Recreation I reduce this item in the amount of $118,800 from $5,361,645 to $5,242,845 by eliminating paragraphs (jx) San Juan Bautista State Historic Park—restoration of Plaza Hotel; and (*l*) Benicia State Park, for preliminary plans and working drawings

(jx) The restoration of this state historical monument will continue to be financed in fiscal year 1968–69 from existing appropriations

(*l*) I consider design funds for additional facilities at this site premature until existing accommodations are more fully utilized.

Item 378 6—For capital outlay, Department of Parks and Recreation. I eliminate this item

This item would have appropriated $448,000 to be expended for work at the Santa Barbara Royal Presidio in 1969–70. I consider it to be a bad budget practice to attempt to establish a priority for fiscal year 1969–70 prior to the time when we will start our regular budget review for all recreation projects that may be scheduled during that period.

With these reductions and deletions, I approve Senate Bill No. 240.

RONALD REAGAN, Governor

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

SECTION 1. This act shall be known and may be cited as the "Budget Act of 1968."

SEC. 2. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1968–69 fiscal year beginning July 1, 1968, and ending June 30, 1969. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006 of the Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

LEGISLATIVE

Item		Amount
1	For salaries of Senators	$645,000
2	For mileage of Lieutenant Governor, Senators and statutory officers of the Senate	1,800
3	For expenses of Members of the Senate	300,000
4	For contingent expenses of the Senate, including personal services for officers, clerks and all other employees, and legislative committees thereof composed in whole or in part of Members of the Senate, to be transferred by the State Controller to the Senate Contingent Fund	4,814,705
5	For salaries of Assemblymen	1,295,000
6	For mileage of Assemblymen and statutory officers of the Assembly	3,600
7	For expenses of Members of the Assembly	492,025
8	For contingent expenses of the Assembly including personal services for officers, clerks, and all other employees, and legislative committees thereof composed in whole or in part	

Item		Amount
of Members of the Assembly, to be transferred by the State Controller to the Assembly Contingent Fund		8,794,216
8.5—For expenses of Joint Legislative Committee for the Revision of the Penal Code		82,300
9—For payment of the state's proportionate share of the expenses of the National Conference of Legislative Leaders to be transferred by the State Controller in equal amounts to the Senate and Assembly Contingent Funds.		1,000
9.5—To the Joint Committee on Legislative Organization for payment of the state's contribution to the National Advisory Commission on Intergovernmental Relations		5,000
10—For legislative printing, binding, mailing and other necessary expenses and in addition thereto, any amounts received from the sale of legislative publications		1,850,000
11—For the expenses of joint committees and their members and for any charges, expenses, or claims they may incur, to be transferred by the State Controller to the Contingent Funds of the Assembly and Senate, available without regard to fiscal years, to be paid on certification of chairmen of the committees to which allocations have been made by statute or concurrent resolution		3,500,000
12—For support of Legislative Counsel Bureau, in accordance with the following schedule		1,350,015
Schedule:		
(a) Personal Services	1,278,884	
(b) Operating Expenses and Equipment	119,486	
Total of schedule	1,398,370	
Less estimated reimbursements	48,355	
Net appropriation	1.350,015	
13—For support of California Law Revision Commission, in accordance with the following schedule		154,579
Schedule:		
(a) Personal Services	109,979	
(b) Operating Expenses and Equipment	44,600	
Total of schedule	154,579	
14—For support of California Commission on Uniform State Laws		11,500

Item	Amount
15—For state's contribution to the Legislators' Retirement Fund, in accordance with Section 9358 of the Government Code	450,000
JUDICIAL	
16—For support of Supreme Court of California	1,390,628
17—For support of Judicial Council	513,898
18—For support of Judicial Council, to be expended for extra compensation and traveling expenses of judges assigned by the Judicial Council	160,000
In addition, funds appropriated by this act for salaries of judges of any court which are unexpended, may be transferred by the Director of Finance for expenditure for salaries of judges assigned by the Chairman of the Judicial Council during the 1968–69 fiscal year, in such amounts as may be deemed necessary by the Director of Finance.	
19—For support of Commission on Judicial Qualifications	36,007
20—For support of Court of Appeal, First Appellate District	938,915
21—For support of Court of Appeal, Second Appellate District	1,469,575
22—For support of Court of Appeal, Third Appellate District	317,678
23—For support of Court of Appeal, Fourth Appellate District	537,493
24—For support of Court of Appeal, Fifth Appellate District	261,098
EXECUTIVE	
25—For support of Governor and of Governor's office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)	1,495,911
26—For support of Governor's residence (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)	17,400
27—For special contingent expenses, Governor's office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)	15,000
28—For support of Transportation Agency, payable from the Motor Vehicle Fund, in accordance with the following schedule	95,540

Item		Amount
Schedule:		
(a) Personal Services	74,110	
(b) Operating Expenses and Equipment	21,430	
Total of schedule	95,540	

provided that, if the Secretary for Business and Transportation succeeds to the functions of the Transportation Agency, by virtue of a reorganization plan in effect pursuant to Article 7 (commencing with Section 12070) of Chapter 1, Part 2, Division 3, Title 2 of the Government Code, as added by Chapter 1540 of the Statutes of 1967, the unexpended balance of the appropriation of the Transportation Agency made by this item shall be available for expenditure by the Secretary for Business and Transportation on the effective date of such succession for the purposes set forth in this item.

29—For support of Health and Welfare Agency, in accordance with the following schedule		124,396
Schedule:		
(a) Personal Services	92,311	
(b) Operating Expenses and Equipment	32,085	
Total of schedule	124,396	

provided that, any rule or regulation adopted by the Health and Welfare Agency Administrator during the 1968-69 fiscal year which results in additional cost to the state shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance; and provided further that, if the Secretary for Human Relations succeeds to the functions of the Health and Welfare Agency, by virtue of a reorganization plan in effect pursuant to Article 7 (commencing with Section 12070) of Chapter 1, Part 2, Division 3, Title 2 of the Government Code, as added by Chapter 1540 of the Statutes of 1967, the unexpended balance of the appropriation of the Health and Welfare Agency made by this item shall be available for expenditure by the Secretary for Human Relations on the effective date of such succession for the purposes set forth in this item.

Item		Amount
30—For support of Resources Agency, in accordance with the following schedule		166,309
Schedule:		
(a) Personal Services	116,397	
(b) Operating Expenses and Equipment	49,912	
Total of schedule	166,309	

provided that, if the Secretary for Resources succeeds to the functions of the Resources Agency, by virtue of a reorganization plan in effect pursuant to Article 7 (commencing with Section 12070) of Chapter 1, Part 2, Division 3, Title 2 of the Government Code, as added by Chapter 1540 of the Statutes of 1967, the unexpended balance of the appropriation of the Resources Agency made by this item shall be available for expenditure by the Secretary for Resources on the effective date of such succession for the purposes set forth in this item.

31—For support of Youth and Adult Corrections Agency, in accordance with the following schedule		93,305
Schedule:		
(a) Personal Services	72,500	
(b) Operating Expenses and Equipment	20,805	
Total of schedule	93,305	

provided that, if the Secretary for Agriculture and Services succeeds to the functions of the Youth and Adult Corrections Agency, by virtue of a reorganization plan in effect pursuant to Article 7 (commencing with Section 12070) of Chapter 1, Part 2, Division 3, Title 2 of the Government Code, as added by Chapter 1540 of the Statutes of 1967, the unexpended balance of the appropriation of the Youth and Adult Corrections Agency made by this item shall be available for expenditure by the Secretary for Agriculture and Services on the effective date of such succession for the purposes set forth in this item.

32—For support of Office of Consumer Counsel, including the expenses of advisory committees appointed under Section 12057 of the Government Code	32,723
33—For support of California Office of Economic Opportunity in the Governor's office, in accordance with the following schedule	52,903

Item		Amount
and in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.		
Schedule:		
(a) Technical assistance program	417,320	
(b) Migrant program	197,301	
Total of schedule	614,621	
Less estimated grants from the federal government	561,718	
Net appropriation	52,903	
34—For allocation by the Department of Finance to the various state agencies, as required, for cooperation with the federal government in programs resulting from the Economic Opportunity Act of 1964, Public Law 88-452, in augmentation of their respective appropriations for support, Budget Act of 1968		200,000
35—For support of Office of Tourism and Visitor Service		95,805
36—For support of California Disaster Office, California State Disaster Council and advisory committees, in accordance with the following schedule		976,000
and in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.		
Schedule:		
(a) Personal Services	886,413	
(b) Operating Expenses and Equipment	747,594	
Total of schedule	1,634,007	
Less estimated grants from the federal government	658,007	
Net appropriation	976,000	
37—For support of Intergovernmental Council on Urban Growth, as provided by Sections 34200 through 34212 of the Government Code		33,902
38—For support of Lieutenant Governor, in accordance with the following schedule		219,546

Item		Amount
Schedule:		
(a) Personal Services	154,290	
(b) Operating Expenses and Equipment	65,256	
Total of schedule	219,546	

GENERAL ADMINISTRATION

39—For support of Board of Administration of the Public Employees' Retirement System, to be transferred by the State Controller to Item 40, Budget Act of 1968	22,500
40—For support of Board of Administration of the Public Employees' Retirement System, payable from the Public Employees' Retirement Fund, pursuant to Section 20202.5 of the Government Code, in accordance with the following schedule	2,896,792
Schedule:	
(a) Personal Services 2,611,220	
(b) Operating Expenses and Equipment 1,267,385	
Total of schedule 3,878,605	
Less estimated amounts available from other sources:	
(c) Reimbursements 558,481	
(d) Amount payable from State Employees' Contingency Reserve Fund (Item 41) 400,832	
(e) Amount payable from General Fund (Item 39) 22,500	
Net appropriation 2,896,792	
41—For Support of Board of Administration of the Public Employees' Retirement System, payable from the State Employees' Contingency Reserve Fund, in accordance with the provisions of Section 22840 of the Government Code	400,832
42—For support of Department of General Services, in accordance with the following schedule	5,522,112
Schedule:	
(a) Personal Services 15,873,854	
(b) Operating Expenses and Equipment 5,010,269	
Total of schedule 20,884,123	

Item	Amount
Less estimated amounts available from other sources:	
(c) Reimbursements	14,317,613
(d) Amount payable from the State School Building Aid Fund (Item 43)	1,030,696
(e) Amount payable from the Street and Highway Disaster Fund	13,702
Net appropriation	5,522,112

Upon approval of the Department of Finance, the State Controller shall transfer to and in augmentation of this item from other items in this act which make appropriations from the General Fund, such part of appropriations that are unexpended and unencumbered which has been identified by the Department of General Services as representing savings in the level of funding for support of data processing operations and directly related functions.

In addition, upon approval of the Department of Finance, the State Controller shall transfer to and in augmentation of this item from any item which makes an appropriation from any special fund, any unencumbered and unexpended portion of such appropriation as is identified by the Department of General Services as representing savings in the level of funding for support of data processing operations and directly related functions, which are necessary to meet expenditures under this item for the purposes for which the funds are appropriated.

43—For support of Department of General Services, payable from the State School Building Aid Fund	1,030,696
45—For augmentation of the Service Revolving Fund, to be transferred by the State Controller in such amounts and at such times as funds are made available. Upon approval of the State Board of Control, the State Controller shall transfer to this item from any appropriation made from the General Fund by the provisions of this act that part of such appropriation which is intended to be used and is available for the purchase or replacement of automobiles.	

Item		Amount
46—For expenditure by Office of State Printing, Department of General Services, payable from the Service Revolving Fund, in accordance with the following schedule		19,492,622
Schedule:		
(a) Personal Services	9,352,585	
(b) Operating Expenses and Equipment	10,140,037	
Total of schedule	19,492,622	
provided, that any balances in the Service Revolving Fund are subject to Sections 16420, 16421 and 16422 of the Government Code, and are available for augmentation of this appropriation by executive order of the Department of Finance.		
47—For expenditure by Department of General Services for activities financed from the Service Revolving Fund, other than the Office of State Printing, in accordance with the following schedule		20,866,965
Schedule:		
(a) Personal Services	4,012,980	
(b) Operating Expenses and Equipment	16,853,985	
Total of schedule	20,866,965	
provided, that any balances in the Service Revolving Fund are subject to Sections 16420, 16421 and 16422 of the Government Code, and are available for augmentation of this appropriation by executive order of the Department of Finance.		
48—For expenditure by Office of Architecture and Construction, Department of General Services, payable from the Architecture Revolving Fund, for the purposes specified in Section 14957 of the Government Code, in accordance with the following schedule		8,669,595
Schedule:		
(a) Personal Services	7,705,654	
(b) Operating Expenses and Equipment	1,027,458	
Total of schedule	8,733,112	
Less estimated reimbursements	63,517	
Net appropriation	8,669,595	
provided, that any balances in the Architecture Revolving Fund continue to be appropriated by and subject to Section 14957 of the		

Item		Amount
Government Code, and are available for construction and for augmentation of this appropriation.		
49—For support of Office of Architecture and Construction, Department of General Services, payable from the Architecture Public Building Fund, in accordance with the following schedule		1,544,890
Schedule:		
(a) Personal Services	1,220,003	
(b) Operating Expenses and Equipment	324,887	
Total of schedule	1,544,890	
49.1—For support of California Advisory Commission on Marine and Coastal Resources, Department of General Services, as provided by Sections 8800 through 8827 of the Government Code		35,000
50—For augmentation of the State Fair Fund to be transferred by the State Controller to the State Fair Fund as a loan from the General Fund, to be repaid with interest, at the current average earning rate of the Pooled Money Investment Account, as determined by the Pooled Money Investment Board as of the date of transfer, which interest rate shall be recomputed quarterly until the loan is repaid; such repayment to be made on or before the due date of the promissory note securing the loan, either or both (a) from the first proceeds of the sale of the property described in Section 2 of Chapter 1071, Statutes of 1957, subject to the sales agreement provisions under the authority of Chapter 1407, Statutes of 1967, or (b) from funds in the State Fair Fund received from the California Exposition and Fair Corporation, determined by the Department of Finance as being in excess of the budgeted program of said corporation as approved by the California Exposition and Fair Executive Committee and filed with the Department of Finance within 30 days after the commencement of the fiscal year, provided that no funds shall be transferred to the State Fair Fund until a promissory note for such amount, with a due date of February 1, 1971, and secured by the property described in Section 2 of Chapter 1071, Statutes of 1957, is delivered to the State		414,603

Item		Amount
	Controller by the California Exposition and Fair Corporation.	
50.1	—For payment of principal and interest on revenue bonds to meet the provisions of Government Code Section 15849, payable from the State Fair Fund ---------- provided, that payments from this appropriation shall not exceed the amount necessary to meet the difference between the full amount of the principal and interest due and the amount paid by the Public Works Board from rentals received from the California Exposition and Fair Corporation.	1,017,000
50.2	—For support of California Exposition and Fair Executive Committee, Department of General Services, and for grants to the California Exposition and Fair Corporation, payable from the State Fair Fund ----------	965,600
50.5	—For temporary loans to the State Fair Fund to provide a change fund for the California Exposition and Fair Corporation, to be transferred by the State Controller to the State Fair Fund as a loan from the General Fund, to be repaid with interest, at the current average earning rate of the Pooled Money Investment Account, as determined by the Pooled Money Investment Board as of the date of transfer, which interest rate shall be recomputed quarterly until the loan is repaid; such repayment to be made on or before the due date of the promissory note securing the loan, either or both (a) from the first proceeds of the sale of the property described in Section 2 of Chapter 1071, Statutes of 1957, subject to the sales agreement provisions under the authority of Chapter 1407, Statutes of 1967, or (b) from funds in the State Fair Fund received from the California Exposition and Fair Corporation, determined by the Department of Finance as being in excess of the budgeted program of said corporation as approved by the California Exposition and Fair Executive Committee and filed with the Department of Finance within 30 days after the commencement of the fiscal year, provided that no funds shall be transferred to the State Fair Fund until a promissary note for such amount, with a due date of February 1, 1971, and secured by the property described in Section 2 of Chapter 1071, Statutes of	350,000

Item		Amount
1957, is delivered to the State Controller by the California Exposition and Fair Corporation.		
51—For support of Capitol Building and Planning Commission		2,250
52—For support of Commission on California State Government Organization and Economy		87,472
53—For support of California Commission on Interstate Cooperation		74,660
53.1—For support of Commission on Interstate Cooperation, payable from the Motor Vehicle Fund		5,000
provided, that the funds appropriated by this item shall be expended for safety studies by the Western Regional Office of the Council of State Governments and in conjunction with the State of Washington and at least one additional western state.		
54—For support of State Personnel Board, in accordance with the following schedule		4,790,437
Schedule:		
(a) Personal Services	4,429,370	
(b) Operating Expenses and Equipment	1,024,651	
Total of schedule	5,454,021	
Less estimated reimbursements	663,584	
Net appropriation	4,790,437	
55—For support of Secretary of State, in accordance with the following schedule		1,213,546
Schedule:		
(a) Personal Services	779,441	
(b) Operating Expenses and Equipment	437,575	
Total of schedule	1,217,016	
Less estimated reimbursements	3,470	
Net appropriation	1,213,546	
56—For printing constitutional amendments and other ballot measures, Secretary of State		300,000
57—For payment of per diem and mileage allowance to each presidential elector, in accordance with Section 25108 of the Elections Code, Secretary of State		1,700

AGRICULTURE

Item		Amount
58—For support of Department of Agriculture, in accordance with the following schedule		11,686,781
Schedule:		
(a) Personal Services	18,414,823	
(b) Operating Expenses and Equipment	5,489,318	
Total of schedule	23,904,141	
Less estimated amounts available from other sources:		
(c) Reimbursements	1,809,586	
(d) Amount payable from the Department of Agriculture Fund (Item 60)	10,124,049	
(e) Amount payable from the Fair and Exposition Fund (Item 61)	213,788	
(f) Federal grants	69,937	
Net appropriation	11,686,781	
59—For cooperation with the federal government in marketing research under the provisions of Public Law 733, 79th Congress and Section 58231 of the Agricultural Code, Department of Agriculture		70,559
59.1—For support of Department of Agriculture, for the purpose of programs for production reports and market reports on cut flowers, in accordance with the following schedule		51,290
Schedule:		
(a) Production reports	40,000	
(b) Market reports	11,290	
Total of schedule	51,290	
60—For support of Department of Agriculture, payable from the Department of Agriculture Fund		10,124,049
61—For support of Department of Agriculture, payable from the Fair and Exposition Fund		213,788
62—The sum of $425,430 of the money appropriated by Section 19627 of the Business and Professions Code, for support of district agricultural fairs or combined county and district agricultural fairs, is hereby reappropriated from the Fair and Exposition Fund during the 1968–69 fiscal year for transfer to the General Fund by the State Controller upon order of the Director of Finance.		

Item	Amount
63—The sum of $25,000 of the money appropriated by subdivision (c) of Section 19622 of the Business and Professions Code, for support of the 1-A District Agricultural Association, is hereby reappropriated from the Fair and Exposition Fund during the 1968–69 fiscal year for transfer to the General Fund by the State Controller upon order of the Director of Finance.	
64—The sum of $12,500 of the money appropriated by subdivision (d) of Section 19622 of the Business and Professions Code, for support of the 48th District Agricultural Association, is hereby reappropriated from the Fair and Exposition Fund during the 1968–69 fiscal year for transfer to the General Fund by the State Controller upon order of the Director of Finance.	
65.1—For augmentation of California Museum of Science and Industry Fund, to be transferred to the California Museum of Science and Industry Fund by the State Controller	377,783
65.2—For support of California Museum of Science and Industry, Department of Agriculture, payable from the California Museum of Science and Industry Fund	952,697
66—For support of Poultry Improvement Commission, payable from the Poultry Testing Project Fund	52,965
provided, that on June 30, 1969, the Controller shall transfer to the General Fund any remaining balance in the Poultry Testing Project Fund; and provided further, that the real property at the testing sites shall be sold to the highest bidder.	

CORRECTIONS

67—For support of Department of Corrections, in accordance with the following schedule	85,963,605
(a) Personal Services 63,579,255	
(b) Operating Expenses and Equipment 23,422,540	
(c) Inmate Pay—Work Projects 832,833	
Total of schedule 87,834,628	
Less estimated reimbursements 1,871,023	
Net appropriation 85,963,605	

Item		Amount
68—For transportation of prisoners to and between state prisons, including the return of parole violators to prison and for the conveying of persons under provisions of Sections 6400 et seq. and 11190 et seq. of the Penal Code and Sections 3295 and 3297 of the Health and Safety Code, in accordance with the provisions of Section 26749 of the Government Code		100,000
provided, that claims made against this item of appropriation shall be filed by the local jurisdictions within six months after the end of the month in which such transportation costs were incurred.		
69—For expenses of transporting fugitives from justice from outside the state, in accordance with the provisions of Sections 1389, 1549 and 1557 of the Penal Code		300,000
70—For court costs and county charges, payable under Sections 4700 and 4700.5 of the Penal Code, in connection with coroners' services and trials of inmates charged with commission of a crime or crimes while incarcerated in a state institution or prison under the Department of Corrections, Department of Corrections		202,500
provided, that claims made against this item of appropriation shall be filed by the local jurisdictions within six months after the end of the month in which such court costs and county charges were incurred.		
71—For support of Department of the Youth Authority, in accordance with the following schedule		41,983,341
Schedule:		
(a) Personal Services	33,864,014	
(b) Operating Expenses and Equipment	8,981,007	
(c) Inmate Pay—Work Projects	40,190	
Total of schedule	42,885,211	
Less estimated reimbursements	901,870	
Net appropriation	41,983,341	
72—For deportation of nonresidents committed to Department of the Youth Authority and expenses in connection with the Interstate Compact on Juveniles		34,970

Item			Amount
73—For transportation of persons committed to Department of the Youth Authority to or between its facilities, including the return of parole violators			37,540
EDUCATION			
74—For payment of the state's share of the operating costs of the Educational Commission of the States and for necessary traveling expenses relating to participation, Department of Education			24,000
75—For support of Department of Education, Superintendent of Public Instruction and State Board of Education, in accordance with the following schedule			4,425,626
Schedule:			
(a) Personal Services	5,893,871		
(b) Operating Expenses and Equipment	2,213,472		
Total of schedule	8,107,343		
Less estimated amounts available from other sources:			
(c) Reimbursements	2,924,603		
(d) Amount payable from State School Building Aid Fund (Item 76)	190,700		
(e) Federal grants	566,414		
Net appropriation	4,425,626		
76—For support of Department of Education, payable from the State School Building Aid Fund			190,700
77—For cooperation with the federal government for the improvement of instruction under the provisions of Title 3 of the National Defense Education Act of 1958, Department of Education			331,521
78—For cooperation with the federal government for the improvement of statistical services under the provisions of Title 10 of the National Defense Education Act of 1958, Department of Education			45,000
79—For support of Office of Compensatory Education, Department of Education, in accordance with the following schedule			263,768

Item		Amount
Schedule:		
(a) Personal Services	1,197,388	
(b) Operating Expenses and Equipment	391,338	
Total of schedule	1,588,726	
Less estimated amounts available from other sources:		
(c) Reimbursements	189,713	
(d) Federal grants	1,119,756	
(e) Amount payable from State School Building Aid Fund (Item 80)	15,489	
Net appropriation	263,768	
80—For support of Office of Compensatory Education, Department of Education, payable from the State School Building Aid Fund		15,489
81—For support of California School for the Blind, in accordance with the following schedule		955,189
Schedule:		
(a) Personal Services	875,649	
(b) Operating Expenses and Equipment	202,414	
Total of schedule	1,078,063	
Less estimated reimbursements	122,874	
Net appropriation	955,189	
82—For support of Diagnostic School for Neurologically Handicapped Children, Northern California, in accordance with the following schedule		641,860
Schedule:		
(a) Personal Services	575,759	
(b) Operating Expenses and Equipment	88,766	
Total of schedule	664,525	
Less estimated reimbursements	22,665	
Net appropriation	641,860	
83—For support of Diagnostic School for Neurologically Handicapped Children, Southern California, in accordance with the following schedule		590,120

Item		Amount
Schedule:		
(a) Personal Services	531,500	
(b) Operating Expenses and Equipment	75,558	
Total of schedule	607,058	
Less estimated reimbursements	16,938	
Net appropriation	590,120	
84—For support of California School for the Deaf, Berkeley, in accordance with the following schedule		2,174,310
Schedule:		
(a) Personal Services	2,102,445	
(b) Operating Expenses and Equipment	388,149	
Total of schedule	2,490,594	
Less estimated reimbursements	316,284	
Net appropriation	2,174,310	
85—For support of California School for the Deaf, Riverside, in accordance with the following schedule		2,304,465
Schedule:		
(a) Personal Services	2,234,955	
(b) Operating Expenses and Equipment	312,986	
Total of schedule	2,547,941	
Less estimated reimbursements	243,476	
Net appropriation	2,304,465	
86—For support of State Educational Agency for Surplus Property, payable from the Surplus Educational Property Revolving Fund, in accordance with the following schedule		2,991,058
Schedule:		
(a) Personal Services	1,615,000	
(b) Operating Expenses and Equipment	1,386,058	
Total of schedule	3,001,058	
Less estimated reimbursements	10,000	
Net appropriation	2,991,058	
87—For support of vocational education, Department of Education, in accordance with the following schedule		797,719

Item		Amount
	Schedule:	
	(a) Personal Services	1,722,550
	(b) Operating Expenses and Equipment	1,378,202
	Total of schedule	3,100,752
	Less estimated amounts available from other sources:	
	(c) Reimbursements	83,900
	(d) Federal grants	2,219,133
	Net appropriation	797,719
88	For support of Division of Libraries, Department of Education, Public Library Development Board and Board of Library Examiners, in accordance with the following schedule	1,703,262
	Schedule:	
	(a) Personal Services	1,363,206
	(b) Operating Expenses and Equipment	5,218,790
	Total of schedule	6,581,996
	Less estimated amounts available from other sources:	
	(c) Reimbursements	148,969
	(d) Federal grants	4,729,765
	Net appropriation	1,703,262
89	For support of State Teachers' Retirement System, in accordance with the following schedule	802,563
	Schedule:	
	(a) Personal Services	1,233,544
	(b) Operating Expenses and Equipment	473,982
	Total of schedule	1,707,526
	Less estimated amounts available from other sources:	
	(c) Reimbursements	2,400
	(d) Amount payable from Teachers' Retirement Fund (Item 90)	902,563
	Net appropriation	802,563
90	For support of State Teachers' Retirement System, payable from the Teachers' Retirement Fund	902,563

HIGHER EDUCATION

Item			Amount
91—For support of Coordinating Council for Higher Education, in accordance with the following schedule			537,546
Schedule:			
(a) Personal Services		530,307	
(b) Operating Expenses and Equipment		432,046	
Total of schedule		962,353	
Less estimated amounts available from other sources:			
(c) Federal grants		424,807	
Net appropriation		537,546	
92—For payment of the state's share of the operating costs of the Western Interstate Commission for Higher Education, Coordinating Council for Higher Education			15,000
93—For support of University of California, exempt from Section 31 of this act			12,882,293
94—For support of University of California, exempt from Section 31 of this act			269,604,365
94.3—For Educational Opportunity Awards Program, University of California, exempt from Section 31 of this act provided, that the funds appropriated by this item shall not be expended unless the action of the Regents of the University whereby the fees required of students were increased is modified so that the revenues from such increase in student fees shall not exceed $1,275,000.			3,725,000
95—For research in the conversion of sea water and brackish water to fresh water, University of California, exempt from Section 31 of this act			334,900
96—For research in dermatology, University of California, exempt from Section 31 of this act			100,000
97—For research in mosquito control, University of California, exempt from Section 31 of this act, payable from the California Water Fund, in accordance with the following schedule			100,000
Schedule:			
(a) Organized research		200,000	
Total of schedule		200,000	

Item		Amount
Less amounts available from other sources:		
(b) Reimbursements	100,000	
Net appropriation	100,000	
98—For support of Hastings College of Law, in accordance with the following schedule		830,036
Schedule:		
(a) Personal Services	947,633	
(b) Operating Expenses and Equipment	276,297	
Total of schedule	1,223,930	
Less estimated amounts available from other sources:		
(c) Reimbursements	355,220	
(d) Federal grant	38,674	
Net appropriation	830,036	
99—For support of Trustees of the California State Colleges and the California State Colleges, in accordance with the following schedule		210,011,938
Schedule:		
(a) Personal Services	222,961,057	
(b) Operating Expenses and Equipment	42,339,904	
Total of schedule	265,300,961	
Less estimated reimbursements	55,289,023	
Net appropriation	210,011,938	

provided that, the funds appropriated in the above schedule may be reallocated upon order of the Trustees of the California State Colleges subject to being reported to the Department of Finance and the provisions of Section 31.5 of this act; and provided further, that for the 1968–69 fiscal year all funds for sabbatical leaves to compensate faculty members at colleges operating on the semester system shall be at the rate of one-half pay for leaves of two semesters and full pay for leaves of one semester. At colleges operating on the quarter system, the rate of compensation shall be one-half pay for leaves of three quarters, three-fourths pay for leaves of two quarters and full pay for leaves of one quarter; provided further, that those individuals authorized sabbatical leaves prior to June 10, 1968 under the provision of Title V, Administrative Code,

Item		Amount
	may be compensated at a rate (where appropriate) of two-thirds for a full academic year (two semesters or three quarters) or two quarters at full pay, for the 1968–69 fiscal year, not to exceed the number of individuals as detailed in the Chancellor's Office memorandum to the Department of Finance, dated June 13, 1968.	
100	**For support of Trustees of the California State Colleges and the California State Colleges, to be transferred to and in augmentation of their support appropriations, Budget Act of 1968, on order of the Trustees of the California State Colleges subject to being reported to the Department of Finance and** the provisions of Section 31.5 of this act____ provided, that for the 1968–69 fiscal year all funds for sabbatical leaves to compensate faculty members at colleges operating on the semester system shall be at the rate of one-half pay for leaves of two semesters and full pay for leaves of one semester. At colleges operating on the quarter system, the rate of compensation shall be one-half pay for leaves of three quarters, three-fourths pay for leaves of two quarters and full pay for leaves of one quarter; provided further, that those individuals authorized sabbatical leaves prior to June 10, 1968 under the provision of Title V, Administrative Code, may be compensated at a rate (where appropriate) of two-thirds for a full academic year (two semesters or three quarters) or two quarters at full pay, for the 1968–69 fiscal year, not to exceed the number of individuals as detailed in the Chancellor's Office memorandum to the Department of Finance, dated June 13, 1968.	15,305,151
102	**For support of California Maritime Academy, in accordance with the following schedule____**	667,938
	Schedule:	
	(a) Personal Services _____ 778,573	
	(b) Operating Expenses and Equipment _____ 311,424	
	Total of schedule _____ 1,089,997	
	Less estimated amounts available from other sources:	
	(c) Reimbursements _____ 202,459	
	(d) Federal grants _____ 219,600	
	Net appropriation _____ 667,938	

Item			Amount
103—For support of Board of Governors of the California Community Colleges			561,115
104—For support of State Scholarship and Loan Commission, in accordance with the following schedule			8,923,995
Schedule:			
(a) Personal Services	219,861		
(b) Operating Expenses and Equipment	8,779,384		
Total of schedule		8,999,245	
Less estimated amounts available from other sources:			
(c) Amount payable from the State Guaranteed Loan Reserve Fund (Item 105)		75,250	
Net appropriation		8,923,995	
105—For support of State Scholarship and Loan Commission, payable from the State Guaranteed Loan Reserve Fund			75,250

EMPLOYMENT

106—For administration of unemployment compensation disability benefits, Department of Employment, payable from the Unemployment Compensation Disability Fund, in accordance with the following schedule			11,679,767
Schedule:			
(a) Personal Services	9,115,529		
(b) Operating Expenses and Equipment	2,564,238		
Total of schedule		11,679,767	
107—For support of Department of Employment, payable from the Department of Employment Contingent Fund; and in addition thereto, any grants made available by the federal government; provided, that all or any portion of this appropriation may be transferred to the Unemployment Administration Fund upon executive order of the Department of Finance			495,876
108—For support of California Job Training and Placement Council, payable from the Department of Employment Contingent Fund			32,699
108.5—For support of the Department of Employment, for expenditure by the Director of Employment to provide job placement and counseling staff in field offices of the Department			

Item		Amount
of Employment to the extent necessary to maintain the services of that program at the level which existed during the months of May, June, July, August, and September, 1966---- provided, that such amount shall be expended only as required, and after full utilization of federal funds and funds provided from private sources.		250,000

FISCAL AFFAIRS

109—**For support of State Board of Control** -----		103,266
110—For support of State Controller, in accordance with the following schedule----------		5,389,368
Schedule:		
(a) Personal Services ---------	5,403,419	
(b) Operating Expenses and Equipment ----------	1,628,672	
Total of schedule--------	7,032,091	
Less estimated amounts available from other sources:		
(c) Reimbursements ----------	305,785	
(d) Amount payable from the Motor Vehicle Transportation Tax Fund (Item 111)--	161,333	
(e) Amount payable from the Motor Vehicle Fuel Fund (Item 112) ----------	956,787	
(f) Amount payable from the State School Building Aid Fund (Item 113) ---------	160,238	
(g) Amount payable from the Aeronautics Fund (Item 114) ----------	58,580	
Net appropriation ------	5,389,368	
The appropriation made by this item shall be in lieu of any allocation made pursuant to subdivision (d) of Section 30462 of the Revenue and Taxation Code during the 1968–69 fiscal year and no funds shall be allocated to the State Controller pursuant to Section 30462 during the 1968–69 fiscal year.		
111—For support of State Controller, payable from the Motor Vehicle Transportation Tax Fund		161,333
112—For support of State Controller, payable from the Motor Vehicle Fuel Fund ----------		956,787
113—For support of State Controller, payable from the State School Building Aid Fund -------		160,238

Item		Amount
114—For support of State Controller, payable from the Aeronautics Fund		58,580
115—For support of State Board of Equalization, in accordance with the following schedule		21,697,291
Schedule:		
(a) Personal Services	23,395,229	
(b) Operating Expenses and Equipment	5,233,279	
Total of schedule	28,628,508	
Less estimated amounts available from other sources:		
(c) Reimbursements	4,576,363	
(d) Amount payable from the Motor Vehicle Transportation Tax Fund (Item 116)	1,142,516	
(e) Amount payable from the Motor Vehicle Fuel Fund (Item 117)	1,212,338	
Net appropriation	21,697,291	
The appropriation made by this item shall be in lieu of any allocation made pursuant to subdivision (c) of Section 30462 of the Revenue and Taxation Code during the 1968–69 fiscal year and no funds shall be allocated to the State Board of Equalization pursuant to Section 30462 during the 1968–69 fiscal year.		
116—For support of State Board of Equalization, payable from the Motor Vehicle Transportation Tax Fund		1,142,516
117—For support of State Board of Equalization, payable from the Motor Vehicle Fuel Fund		1,212,338
118—For support of Department of Finance, in accordance with the following schedule		3,867,784
Schedule:		
(a) Personal Services	3,584,797	
(b) Operating Expenses and Equipment	563,365	
Total of schedule	4,148,162	
Less estimated amounts available from other sources:		
(c) Reimbursements	164,269	
(d) Amount payable from the Fair and Exposition Fund (Item 119)	116,109	
Net appropriation	3,867,784	

Item		Amount
119—For support of Department of Finance, payable from the Fair and Exposition Fund		116,109
120—For support of State Lands Division, State Lands Commission, Department of Finance, in accordance with the following schedule		1,510,842
Schedule:		
(a) Personal Services	1,935,253	
(b) Operating Expenses and Equipment	489,246	
Total of schedule	2,424,499	
Less estimated amounts available from other sources:		
(c) Reimbursements	55,000	
(d) Amounts payable under the provisions of Chapter 138, Statutes of 1964	858,657	
Net appropriation	1,510,842	
121—For support of Franchise Tax Board, in accordance with the following schedule		15,724,266
Schedule:		
(a) Personal Services	12,176,671	
(b) Operating Expenses and Equipment	3,547,595	
Total of schedule	15,724,266	
The appropriation made by this item shall be in lieu of any allocation made pursuant to subdivision (b) of Section 30462 of the Revenue and Taxation Code during the 1968–69 fiscal year and no funds shall be allocated to the Franchise Tax Board pursuant to Section 30462 during the 1968–69 fiscal year.		
122—For support of Department of Housing and Community Development, in accordance with the following schedule		1,800,882
Schedule:		
(a) Personal Services	1,404,981	
(b) Operating Expenses and Equipment	395,901	
Total of schedule	1,800,882	
123—For support of State Treasurer, in accordance with the following schedule		560,700
Schedule:		
(a) Personal Services	491,822	
(b) Operating Expenses and Equipment	191,407	
Total of schedule	683,229	

Item		Amount
Less estimated reimbursements	122,529	
Net appropriation	560,700	

HEALTH AND WELFARE

124—For support of Health and Welfare Agency, Office of Health Care Services, for administration of the medical assistance program pursuant to the provision of Chapter 4, Statutes of 1965, Second Extraordinary Session, payable from the Health Care Deposit Fund 7,113,557
and in addition thereto, any amounts received from federal grants or other sources; provided, that any rule or regulation adopted by the Health and Welfare Agency Administrator during the 1968–69 fiscal year which adds to the cost of the medical assistance program shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance; provided further, that upon order of the Director of Finance additional funds may be transferred from the Health Care Deposit Fund for the cost of administering the extension of Medical Assistance Program benefits to eligible mentally retarded persons under the care of the Department of Mental Hygiene as provided in Item 297 of this act.

125—For support of California Commission on Aging, in accordance with the following schedule 120,000

Schedule:		
(a) Personal Services	128,721	
(b) Operating Expenses and Equipment	519,834	
Total of schedule	648,555	
Less estimated amounts available from other sources:		
(c) Federal grants	528,555	
Net appropriation	120,000	

126—For support of State Air Resources Board, in accordance with the following schedule 594,715

Schedule:		
(a) Personal Services	679,567	
(b) Operating Expenses and Equipment	998,145	
Total of schedule	1,677,712	

Item		Amount
Less estimated amounts available from other sources:		
(c) Amount payable from Motor Vehicle Fund (Item 127)	1,082,997	
Net appropriation	594,715	
127—For support of State Air Resources Board, payable from the Motor Vehicle Fund		1,082,997
128—For support of Office of Atomic Energy Development and Radiation Protection, Departmental Coordinating Committee on Atomic Energy Development and Radiation Protection and the Advisory Council on Atomic Energy Development and Radiation Protection		41,164
129—For support of Department of Mental Hygiene and agencies under the jurisdiction of the department, to be transferred to and in augmentation of the support appropriations, Budget Act of 1968, of the Department of Mental Hygiene and agencies under the jurisdiction of the department, upon order of the Department of Finance		3,109,832
130—For support of Department of Mental Hygiene, in accordance with the following schedule		5,562,047
Schedule:		
(a) Personal Services	4,494,226	
(b) Operating Expenses and Equipment	1,953,341	
Total of schedule	6,447,567	
Less estimated amounts available from other sources:		
(c) Reimbursements	361,270	
(d) Estimated grants from the federal government or agencies thereof	524,250	
Net appropriation	5,562,047	
131—For research projects, Department of Mental Hygiene, to be expended only on allocations to agencies of the Department of Mental Hygiene authorized by the Department of Finance		1,203,097
And in addition, any amounts received for research projects from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.		

Item		Amount
132—For support of Langley Porter Neuropsychiatric Institute and Neuropsychiatric Institute at University of California at Los Angeles, Department of Mental Hygiene, in accordance with the following schedule		9,850,205
Schedule:		
(a) Personal Services	8,110,167	
(b) Operating Expenses and Equipment	1,740,038	
Total of schedule	9,850,205	
133—For support of the hospitals for the mentally ill, Department of Mental Hygiene, in accordance with the following schedule		120,946,473
Schedule:		
(a) Personal Services	105,202,427	
(b) Operating Expenses and Equipment	16,395,866	
Total of schedule	121,598,293	
Less estimated amounts available from other sources:		
(c) Reimbursements	476,808	
(d) Federal grants	175,012	
Net appropriation	120,946,473	
134—For support of the hospitals for the mentally retarded, Department of Mental Hygiene, in accordance with the following schedule		56,749,530
Schedule:		
(a) Personal Services	49,674,185	
(b) Operating Expenses and Equipment	7,177,934	
Total of schedule	56,852,119	
Less estimated reimbursements	102,589	
Net appropriation	56,749,530	
135—For support of Department of Public Health, in accordance with the following schedule		10,257,343
Schedule:		
(a) Personal Services	12,730,608	
(b) Operating Expenses and Equipment	5,830,976	
Total of schedule	18,561,584	
Less estimated amounts available from other sources:		
(c) Reimbursements	3,723,019	

Item		Amount
(d) Estimated grants from the federal government or agencies thereof	4,581,222	
Net appropriation	10,257,343	

provided, that the Department of Public Health limit expenditures for departmental staffed special projects to the budgeted amount of $5,277,949 during the 1968–69 fiscal year, except that this limitation shall not apply to federal funds which flow through the department to local agencies.

136—For a pilot project for the purpose of determining the extent of the needs of severely handicapped persons of normal mentality for residential care, in accordance with Sections 310 through 311.1 of the Health and Safety Code, Department of Public Health ------- 163,173
provided, that the sum appropriated by this section shall, however, be reduced by the amount of any appropriation which the federal government may make to the state for the pilot project authorized under such article.

137—For support of Regional Dialysis Centers, established pursuant to Article 7.7 (commencing with Section 417), Chapter 2, Part 1, Division 1, of the Health and Safety Code, Department of Public Health, in accordance with the following schedule ---------- 302,939

Schedule:		
(a) Personal Services	4,730	
(b) Operating Expenses and Equipment	298,209	
Total of schedule	302,939	

138—For support of Department of Rehabilitation, in accordance with the following schedule --- 4,773,085

Schedule:		
(a) Personal Services	12,147,717	
(b) Operating Expenses and Equipment	20,672,577	
Total of schedule	32,820,294	
Less estimated amounts available from other sources:		
(c) Reimbursements	2,723,269	
(d) Federal grants	15,494,739	
(e) Grants from the federal government or agencies thereof		

Item		Amount
	for Cooperative Rehabilitation Services ---------- 9,829,201	
	Net appropriation ------- 4,773,085	
	provided, that upon approval of the Department of Finance, the State Controller shall transfer to and in augmentation of this item from other items in this act which make appropriations from the General Fund, such part of the appropriations that are related to the cooperative rehabilitation services program and are necessary to match federal funds for this program.	
	Provided further, that such transfers shall enable the state to make maximum utilization of available federal funds.	
139	For support of rehabilitation element in the service center program, Department of Rehabilitation, in accordance with the following schedule ----------	863,429
	Schedule:	
	(a) Support ---------- 4,783,368	
	Total of schedule ------- 4,783,368	
	Less estimated amounts available from other sources:	
	(b) Federal grants ---------- 3,919,939	
	Net appropriation ------ 863,429	
140	For allocation by executive order of the Department of Finance to the executive office of the Service Center Program at Sacramento for state administrative expenditures for the operation of the program throughout the state, and to state agencies to be transferred to, and in augmentation of, their support and local assistance appropriations as provided for in the Budget Act of 1968, for expenditure for the Service Center Program to be paid from the several funds, in accordance with the following schedule ----------	4,358,566
	Schedule:	
	(a) General Fund ---------- 4,039,496	
	(b) Department of Employment Contingent Fund --------- 319,070	
	Total of schedule ------- 4,358.566	
	Such amounts shall be available for expenditure only in the principal pockets of poverty in the state, and for state administrative expenditures for the operation of the program	

Item	Amount
throughout the state. The principal pockets of poverty in the state shall be determined by the Governor upon the advice of the Administrator of the Health and Welfare Agency, and of the Directors of the Departments of Finance, Social Welfare, Rehabilitation, Employment, and Industrial Relations, and of the Director, Service Center Program. Nothing herein contained shall be construed to require or permit the allocation for such expenditure of moneys provided by the federal government, in amounts exceeding or in any other way in contravention of the requirements, limitations, and restrictions imposed by or under the authority of federal law.	
140.5—For support of Service Center Program, to be transferred to and in augmentation of Item 140, Budget Act of 1968, upon order of the Department of Finance	105,889
141—For support of Department of Social Welfare. Such appropriation, together with any grants made available by the federal government for support of the Department of Social Welfare during the 1968–69 fiscal year, shall be expended in accordance with the following schedule	15,332,453
Schedule:	
(a) Personal Services 16,052,214	
(b) Operating Expenses and Equipment 9,304,781	
Total of schedule 25,356,995	
Less estimated amounts available from other sources:	
(c) Reimbursements 1,831,927	
(d) Estimated grants from the federal government 8,192,615	
Net appropriation 15,332,453	
provided, that any rule or regulation adopted by the Director of the State Department of Social Welfare during the 1968–69 fiscal year which adds to the cost of any public assistance program shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance. All such additional costs shall be reported by the Department of Finance to the Joint Legislative Budget Committee quarterly.	

Item		Amount
	Provided further, that any portion of the amounts included for the care of and/or for social services to patients paroled or on leave of absence from state mental hygiene hospitals may be transferred upon order of the Department of Finance to Item 296(a) of this act for adult protective services by county welfare departments.	
	INDUSTRIAL RELATIONS	
142	For support of Department of Industrial Relations, in accordance with the following schedule	21,192,412
	Schedule:	
	(a) Personal Services 18,352,925	
	(b) Operating Expenses and Equipment 3,727,950	
	Total of schedule 22,080,875	
	Less estimated amounts available from other sources:	
	(c) Reimbursements 94,032	
	(e) Federal grant 794,431	
	Net appropriation 21,192,412	
144	For support of State Fire Marshal, in accordance with the following schedule	905,798
	Schedule:	
	(a) Personal Services 963,303	
	(b) Operating Expenses and Equipment 184,095	
	Total of schedule 1,147,398	
	Less estimated amounts available from other sources:	
	(c) Reimbursements 129,100	
	(d) Amount payable from Dry Cleaners' Fund (Item 145) 112,500	
	Net appropriation 905,798	
145	For support of State Fire Marshal, payable from the Dry Cleaners' Fund to be transferred to and in augmentation of Item 144, Budget Act of 1968.	112,500
	JUSTICE	
146	For support of Department of Justice, in accordance with the following schedule	16,774,085

Item		Amount
Schedule:		
(a) Personal Services	14,882,709	
(b) Operating Expenses and Equipment	4,409,611	
Total of schedule	19,292,320	
Less estimated amounts available from other sources:		
(c) Reimbursements	2,348,235	
(d) Federal grants	170,000	
Net appropriation	16,774,085	
146.1—For support of Department of Justice and for development, acquisition and installation of the California Law Enforcement Telecommunications System, payable from the Motor Vehicle Fund		1,200,572
147—For support of Commission on Peace Officers' Standards and Training, payable from the Peace Officers' Training Fund, in accordance with the following schedule		155,253
Schedule:		
(a) Personal Services	138,999	
(b) Operating Expenses and Equipment	50,084	
Total of schedule	189,083	
Less estimated amounts available from other sources:		
(c) Federal grants	33,830	
Net appropriation	155,253	
148—For support of California Council on Criminal Justice		50,000
149—For support of California Crime Technological Research Foundation		25,000
MILITARY AFFAIRS		
150—For support of Military Department, in accordance with the following schedule		3,812,457
Schedule:		
(a) Personal Services	3,163,759	
(b) Operating Expenses and Equipment	1,359,899	
Total of schedule	4,523,658	
Less estimated amounts available from other sources:		
(c) Reimbursements	42,717	

Item		Amount
(d) Estimated grants from the federal government	668,484	
Net appropriations	3,812,457	

provided, that no expenditures shall be made from this appropriation as a substitution for personnel, equipment, facilities, or other assistance, or for any portion thereof, which in the absence of such expenditure, or of this appropriation, would be available to the Adjutant General, the California National Guard or the California National Guard Reserve from the federal government.

151—For payment of military retirements, in accordance with the provisions of Sections 228 and 256 of the Military and Veterans Code, Military Department 142,776

152—For support of California Cadet Corps, in accordance with the following schedule 81,331

Schedule:

(a) Personal Services	41,671	
(b) Operating Expenses and Equipment	39,660	
Total of schedule	81,331	

REGULATION AND LICENSING

153—For support of Department of Alcoholic Beverage Control, in accordance with the following schedule 5,409,356

Schedule:

(a) Personal Services	4,345,075	
(b) Operating Expenses and Equipment	1,084,281	
Total of schedule	5,429,356	
Less estimated reimbursements	20,000	
Net appropriation	5,409,356	

154—For support of Alcoholic Beverage Control Appeals Board, in accordance with the following schedule 126,292

Schedule:

(a) Personal Services	100,660	
(b) Operating Expenses and Equipment	25,632	
Total of schedule	126,292	

Item		Amount
155—For support of California Districts Securities Commission, in accordance with the following schedule		225,842
Schedule:		
(a) Personal Services	175,336	
(b) Operating Expenses and Equipment	50,506	
Total of schedule	225,842	
156—For support of California Horse Racing Board, payable from the Fair and Exposition Fund, in accordance with the following schedule		304,936
Schedule:		
(a) Personal Services	218,854	
(b) Operating Expenses and Equipment	86,082	
Total of schedule	304,936	
157—For support of State Banking Department, Department of Investment, payable from the State Banking Fund, in accordance with the following schedule		1,342,009
Schedule:		
(a) Personal Services	1,092,636	
(b) Operating Expenses and Equipment	249,373	
Total of schedule	1,342,009	
158—For support of Division of Corporations, Department of Investment, in accordance with the following schedule		3,356,863
Schedule:		
(a) Personal Services	3,755,305	
(b) Operating Expenses and Equipment	529,768	
Total of schedule	4,285,073	
Less estimated reimbursements	928,210	
Net appropriation	3,356,863	
159—For augmentation of the Insurance Fund to be transferred to the Insurance Fund by the State Controller.		103,500
160—For support of Department of Insurance, payable from the Insurance Fund, in accordance with the following schedule		4,057,450

Item		Amount
	Schedule:	
	(a) Personal Services ---------- 3,286,635	
	(b) Operating Expenses and Equipment ---------- 820,815	
	Total of schedule---------- 4,107,450	
	Less estimated reimbursements --- 50,000	
	Net appropriation ------ 4,057,450 provided, that if legislation is enacted at the 1968 Regular Session which provides that the money in the Insurance Fund is to be used to pay the refunds authorized by the Insurance Code with the balance thereof to be transferred to the General Fund and which provides for the deposit of revenue arising under the provisions of the Insurance Code into the General Fund, the unencumbered balance of the appropriation made by this item from the Insurance Fund shall, on the effective date of such legislation, be payable from the General Fund and the total amount of such unencumbered balance is hereby appropriated on that date from the General Fund for the purposes specified in this item.	
161	—For support of Division of Real Estate, **Department of Investment, payable from the Real Estate Fund, in accordance with the** following schedule ----------	3,033,752
	Schedule:	
	(a) Personal Services ---------- 2,321,194	
	(b) Operating Expenses and Equipment ---------- 1,139,958	
	Total of schedule ------ 3,461,152	
	Less estimated amounts available from other sources:	
	(c) Reimbursements ---------- **3,400**	
	(d) Amount payable from the Real Estate Education, Research and Recovery Fund—Education Research (Item 162(a)) ---------- **316,000**	
	(e) Amount payable from the Real Estate Education, Research and Recovery Fund—Recovery Act (Item 162(b)) 108,000	
	Net appropriation ------ 3,033,752	

Item		Amount
162—For educational, research and recovery needs of the real estate industry in California, payable from the Real Estate Education, Research and Recovery Fund, in accordance with the following schedule		590,500
Schedule:		
(a) Education Research	482,500	
(b) Recovery Act	108,000	
Total of schedule	590,500	
to be allocated by the Department of Finance in amounts as it finds necessary to the University of California, exempt from Section 31 of this act, and to the Division of Real Estate, Department of Investment, to carry out the provisions of Section 10451.5 of the Business and Professions Code.		
163—For support of Division of Savings and Loan, Department of Investment, payable from the Savings and Loan Inspection Fund, in accordance with the following schedule		2,726,382
Schedule:		
(a) Personal Services	2,199,839	
(b) Operating Expenses and Equipment	602,543	
Total of schedule	2,802,382	
Less estimated reimbursements	76,000	
Net appropriation	2,726,382	
164—For support of Board of Pilot Commissioners for the Harbor of San Diego		1,200
165—For support of Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, payable from the Board of Pilot Commissioners' Special Fund, in accordance with the following schedule		27,145
Schedule:		
(a) Personal Services	18,822	
(b) Operating Expenses and Equipment	8,323	
Total of schedule	27,145	
166—For support of Department of Professional and Vocational Standards, payable from the Professional and Vocational Standards' Fund, pursuant to the provisions of Sections 203 and 405 of the Business and Professions Code, in accordance with the following schedule		3,057,543

Item		Amount
Schedule:		
(a) Personal Services	2,095,211	
(b) Operating Expenses and Equipment	1,024,304	
Total of schedule	3,119,515	
Less estimated reimbursements	61,972	
Net appropriation	3,057,543	
167—For support of State Board of Accountancy, payable from the Accountancy Fund, in accordance with the following schedule		331,688
Schedule:		
(a) Personal Services	134,677	
(b) Operating Expenses and Equipment	197,011	
Total of schedule	331,688	
168—For support of California State Board of Architectural Examiners, payable from the California State Board of Architectural Examiners' Fund, in accordance with the following schedule		145,628
Schedule:		
(a) Personal Services	81,927	
(b) Operating Expenses and Equipment	63,701	
Total of schedule	145,628	
169—For support of State Athletic Commission, in accordance with the following schedule		162,500
Schedule:		
(a) Personal Services	111,108	
(b) Operating Expenses and Equipment	51,392	
Total of schedule	162,500	
170—For support of State Board of Barber Examiners, payable from the State Board of Barber Examiners' Fund, in accordance with the following schedule		418,561
Schedule:		
(a) Personal Services	112,480	
(b) Operating Expenses and Equipment	306,081	
Total of schedule	418,561	
171—For support of Cemetery Board, payable from the Cemetery Fund, in accordance with the following schedule		74,813

Item		Amount
Schedule:		
(a) Personal Services	45,481	
(b) Operating Expenses and Equipment	29,332	
Total of schedule	74,813	
172—For support of Board of Chiropractic Examiners, payable from the State Board of Chiropractic Examiners' Fund, in accordance with the following schedule		106,049
Schedule:		
(a) Personal Services	47,622	
(b) Operating Expenses and Equipment	60,527	
Total of schedule	108,149	
Less estimated reimbursements	2,100	
Net appropriation	106,049	
173—For support of State Board of Registration for Civil and Professional Engineers, payable from the Professional Engineers' Fund, in accordance with the following schedule		617,078
Schedule:		
(a) Personal Services	410,222	
(b) Operating Expenses and Equipment	206,856	
Total of schedule	617,078	
174—For support of Collection Agency Licensing Bureau, Department of Professional and Vocational Standards, payable from the Collection Agency Fund, in accordance with the following schedule		214,763
Schedule:		
(a) Personal Services	90,466	
(b) Operating Expenses and Equipment	124,297	
Total of schedule	214,763	
175—For support of Contractors' State License Board, payable from the Contractors' License Fund, in accordance with the following schedule		2,354,476
Schedule:		
(a) Personal Services	1,535,233	
(b) Operating Expenses and Equipment	819,243	
Total of schedule	**2,354,476**	

Item		Amount
176—For support of State Board of Cosmetology, payable from the Board of Cosmetology's Contingent Fund, in accordance with the following schedule		819,639
Schedule:		
(a) Personal Services	249,506	
(b) Operating Expenses and Equipment	570,133	
Total of schedule	819,639	
177—For support of Board of Dental Examiners of California, payable from the State Dentistry Fund, in accordance with the following schedule		210,122
Schedule:		
(a) Personal Services	103,619	
(b) Operating Expenses and Equipment	106,503	
Total of schedule	210,122	
178—For support of State Board of Dry Cleaners, payable from the Dry Cleaners' Fund, in accordance with the following schedule		347,523
Schedule:		
(a) Personal Services	94,083	
(b) Operating Expenses and Equipment	253,440	
Total of schedule	347,523	
179—For support of Bureau of Electronic Repair Dealer Registration, Department of Professional and Vocational Standards, payable from the Electronic Repair Dealer Registration Fund, in accordance with the following schedule		261,607
Schedule:		
(a) Personal Services	108,264	
(b) Operating Expenses and Equipment	162,680	
Total of schedule	270,944	
Less estimated reimbursements	9,337	
Net appropriation	261,607	
180—For support of Bureau of Employment Agencies, Department of Professional and Vocational Standards, payable from the Bureau of Employment Agencies Fund, in accordance with the following schedule		136,223

Item		Amount
Schedule:		
(a) Personal Services	36,686	
(b) Operating Expenses and Equipment	99,537	
Total of schedule	136,223	
181—For support of State Board of Funeral Directors and Embalmers, payable from the State Funeral Directors and Embalmers' Fund, in accordance with the following schedule		105,151
Schedule:		
(a) Personal Services	63,372	
(b) Operating Expenses and Equipment	41,779	
Total of schedule	105,151	
182—For support of Bureau of Furniture and Bedding Inspection, Department of Professional and Vocational Standards, payable from the Bureau of Furniture and Bedding Inspection Fund		375,000
183—For support of State Board of Guide Dogs for the Blind		2,350
184—For support of California State Board of Landscape Architects, payable from the State Board of Landscape Architects' Fund, in accordance with the following schedule		31,596
Schedule:		
(a) Personal Services	12,179	
(b) Operating Expenses and Equipment	19,417	
Total of schedule	31,596	
185—For support of Bureau of Marriage Counselors, Department of Professional and Vocational Standards, payable from the Marriage Counselors Fund		14,535
186—For support of Board of Medical Examiners of the State of California, payable from the Contingent Fund of the Board of Medical Examiners, in accordance with the following schedule		1,021,015
Schedule:		
(a) Personal Services	292,717	
(b) Operating Expenses and Equipment	736,382	
Total of schedule	1,029,099	
Less estimated reimbursements	8,084	
Net appropriation	1,021,015	

Item		Amount
187—For support of Board of Medical Examiners of the State of California, payable from the Contingent Fund of the Board of Medical Examiners from those moneys deposited under the provisions of Section 2614 of the Business and Professions Code, in accordance with the following schedule		15,336
Schedule:		
(a) Personal Services	1,275	
(b) Operating Expenses and Equipment	14,061	
Total of schedule	15,336	
188—For support of Board of Medical Examiners of the State of California, payable from the Physical Therapy Fund, in accordance with the following schedule		11,989
Schedule:		
(a) Personal Services	1,308	
(b) Operating Expenses and Equipment	10,681	
Total of schedule	11,989	
189—For support of California Board of Nursing Education and Nurse Registration, payable from the California Board of Nursing Education and Nurse Registration Fund, in accordance with the following schedule		632,223
Schedule:		
(a) Personal Services	316,311	
(b) Operating Expenses and Equipment	328,412	
Total of schedule	644,723	
Less amounts available from other sources:		
(c) Federal grants	12,500	
Net appropriation	632,223	
190—For support of State Board of Optometry, payable from the State Optometry Fund, in accordance with the following schedule		71,526
Schedule:		
(a) Personal Services	33,758	
(b) Operating Expenses and Equipment	37,768	
Total of schedule	71,526	
191—For support of Board of Osteopathic Examiners of the State of California, payable from		

Item		Amount
the Contingent Fund of the Board of Osteopathic Examiners, in accordance with the following schedule		7,989
Schedule:		
(a) Personal Services	170	
(b) Operating Expenses and Equipment	7,819	
Total of schedule	7,989	
192—For support of California State Board of Pharmacy, payable from the Pharmacy Board Contingent Fund, in accordance with the following schedule		578,143
Schedule:		
(a) Personal Services	283,932	
(b) Operating Expenses and Equipment	294,211	
Total of schedule	578,143	
193—For support of Bureau of Private Investigators and Adjusters, Department of Professional and Vocational Standards, payable from the Private Investigator and Adjuster Fund, in accordance with the following schedule		108,130
Schedule:		
(a) Personal Services	27,769	
(b) Operating Expenses and Equipment	80,361	
Total of schedule	108,130	
194—For support of Certified Shorthand Reporters Board, payable from the Shorthand Reporters' Fund, in accordance with the following schedule		31,310
Schedule:		
(a) Personal Services	10,178	
(b) Operating Expenses and Equipment	21,132	
Total of schedule	31,310	
195—For support of Board of Social Work Examiners of the State of California, payable from the Registered Social Workers' Fund, in accordance with the following schedule		27,769
Schedule:		
(a) Personal Services	28,559	
(b) Operating Expenses and Equipment	12,783	
Total of schedule	41,342	

Item		Amount
Less estimated reimbursements	13,573	
Net appropriation	27,769	
196—For support of Board of Social Work Examiners of the State of California, payable from the Certified Clinical Social Workers Fund, in accordance with the following schedule		27,159
Schedule:		
(a) Personal Services	6,699	
(b) Operating Expenses and Equipment	20,460	
Total of schedule	27,159	
197—For support of Structural Pest Control Board, payable from the Structural Pest Control Fund, in accordance with the following schedule		491,312
Schedule:		
(a) Personal Services	149,699	
(b) Operating Expenses and Equipment	341,613	
Total of schedule	491,312	
198—For support of Board of Examiners in Veterinary Medicine, payable from the Board of Veterinary Examiners' Contingent Fund, in accordance with the following schedule		67,461
Schedule:		
(a) Personal Services	8,095	
(b) Operating Expenses and Equipment	59,366	
Total of schedule	67,461	
199—For support of Board of Vocational Nurse Examiners of the State of California, payable from the Vocational Nurse Examiners' Fund, in accordance with the following schedule		212,525
Schedule:		
(a) Personal Services	109,358	
(b) Operating Expenses and Equipment	110,814	
Total of schedule	220,172	
Less estimated reimbursements	7,647	
Net appropriation	212,525	
200—For support of Board of Vocational Nurse Examiners of the State of California, payable from the Vocational Nurse Examiners' Fund from those moneys deposited under		

Item		Amount
the provisions of Section 4547 of the Business and Professions Code, in accordance with the following schedule		60,055
Schedule:		
(a) Personal Services	28,826	
(b) Operating Expenses and Equipment	31,229	
Total of schedule	60,055	
201—For support of Yacht and Ship Brokers Commission, payable from the Yacht and Ship Brokers' Fund, in accordance with the following schedule		30,744
Schedule:		
(a) Personal Services	27,649	
(b) Operating Expenses and Equipment	19,284	
Total of schedule	46,933	
Less estimated reimbursements	16,189	
Net appropriation	30,744	
202—For support of Public Utilities Commission, in accordance with the following schedule		5,833,003
Schedule:		
(a) Personal Services	9,124,093	
(b) Operating Expenses and Equipment	2,010,293	
Total of schedule	11,134,386	
Less estimated amounts available from other sources:		
(c) Reimbursements	90,000	
(d) Amount payable from the Transportation Rate Fund (Item 203)	5,211,383	
Net appropriation	5,833,003	
203—For support of Public Utilities Commission, payable from the Transportation Rate Fund		5,211,383
RESOURCES		
204—For support of Department of Conservation, in accordance with the following schedule		32,254,917
Schedule:		
(a) Personal Services	32,092,296	
(b) Operating Expenses and Equipment	9,500,126	
(c) Emergency Fire Suppression and Detection	200,000	

Item		Amount
(cx) Unallocated reduction	1,757	
Total of schedule	41,790,665	
Less estimated amounts available from other sources:		
(d) Estimated reimbursements	8,325,047	
(e) Amount payable from Petroleum and Gas Fund (Item 205)	1,096,124	
(f) Amount payable from Petroleum and Gas Fund—Geothermal Resources Account (Item 206)	3,000	
(g) Amount payable from Subsidence Abatement Fund (Item 207)	111,577	
Net appropriation	32,254,917	
204.1—For support of Department of Conservation, for state's share of the expenses of the Pleasanton Plant Materials Center		32,230
205—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Petroleum and Gas Fund		1,096,124
206—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Petroleum and Gas Fund—Geothermal Resources Account		3,000
207—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Subsidence Abatement Fund		111,577
208—For allotment, pursuant to Section 4132 of the Public Resources Code, for the prevention and suppression of forest fires on state responsibility lands within the counties shown below, Department of Conservation, in accordance with the following schedule		2,437,850
Schedule:		
(a) Kern County	599,767	
(b) Los Angeles County	955,250	
(c) Marin County	196,997	
(d) Santa Barbara County	334,515	
(e) Ventura County	351,321	
Total of schedule	2,437,850	
209—For direct allotment to the United States Forest Service, for prevention and suppression of forest fires on private and state-owned lands		

Item		Amount
located within and adjacent to the boundaries of United States national forests within this state, Department of Conservation		1,465,797
210—For expenditure by the Department of Conservation, in accordance with the following schedule		329,626
Schedule:		
(a) White pine blister rust control	40,000	
(b) Wild land vegetation and soil mapping	131,391	
(c) Forest and fire research	140,985	
(d) Geological exploration	2,250	
(e) State geologic map	15,000	
Total of schedule	329,626	
provided that, any amount withdrawn from item (d) above must be matched by an expenditure of a like amount by the federal government in this state for this purpose.		
211—For support of Department of Fish and Game, and for the maintenance and construction of fish screens and other stream improvements, payable from moneys in the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item. The appropriation made by this item shall be expended in accordance with the following schedule		13,523,610
Schedule:		
(a) Personal Services	10,572,775	
(b) Operating Expenses and Equipment	5,282,636	
Total of schedule	15,855,411	
Less estimated amounts available from other sources:		
(c) Reimbursements	1,841,701	
(d) Amount payable from Fish and Game Preservation Fund (Item 214)	120,425	
(e) Amount payable from federal funds	369,675	
Net appropriation	13,523,610	
212—To pay for the purchase of land for game production, improvement of waterfowl areas and research in game management under the pro-		

Item		Amount
	visions of the Pittman-Robertson Act, and in fish restoration and management projects under the provisions of the Dingell-Johnson Act, Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenue subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item, in accordance with the following schedule ----------	1,939,200
	Schedule:	
	(a) Pittman-Robertson program 1,340,700	
	(b) Dingell-Johnson program -- 598,500	
	Total of schedule ------- 1,939,200	
	provided, that any moneys received from the federal government in reimbursement of expenditures from this item shall be credited to this appropriation and reverted to the unappropriated balance of the Fish and Game Preservation Fund.	
213	—For state's share of the expenses of the Pacific Marine Fisheries Commission, in accordance with the Pacific Marine Fisheries Compact, Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item ----------	26,600
214	—To pay the state's share of cooperation with the federal government in commercial fisheries research and development projects under the provisions of the Commercial Fisheries Research and Development Act, Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item ----------	120,425
214.5	—For sea otter-abalone research, Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code,	

Item			Amount
	which revenues are hereby appropriated to the extent required to meet the appropriation made by this item		40,000
215—For research in the development of commercial fisheries of the Pacific Ocean and of marine products, Marine Research Committee, payable from the Fish and Game Preservation Fund from revenues derived under the provisions of Section 8046 of the Fish and Game Code			194,200
216—For support of Wildlife Conservation Board, payable from the Wildlife Restoration Fund, in accordance with the following schedule			101,002
	Schedule:		
	(a) Personal Services	74,957	
	(b) Operating Expenses and Equipment	34,045	
	Total of schedule	109,002	
	Less estimated reimbursements	8,000	
	Net appropriation	101,002	
	provided, that any money in the Wildlife Restoration Fund in excess of the appropriation made by this item shall continue to be available pursuant to Section 1352 of the Fish and Game Code.		
217—For support of Department of Harbors and Watercraft, to be transferred by the State Controller to and in augmentation of Item 218 of this act			5,202
218—For support of Department of Harbors and Watercraft; and in addition thereto, any amounts received from sale of registration lists, payable from the Harbors and Watercraft Revolving Fund, in accordance with the following schedule			1,044,266
	Schedule:		
	(a) Personal Services	630,617	
	(b) Operating Expenses and Equipment	439,313	
	Total of schedule	1,069,930	
	Less estimated amounts available from other sources:		
	(c) Reimbursements	20,462	
	(d) Amount payable from General Fund (Item 217)	5,202	
	Net appropriation	1,044,266	

Item		Amount
219—For support of Department of Parks and Recreation, in accordance with the following schedule		14,947,874
Schedule:		
(a) Personal Services	13,310,386	
(b) Operating Expenses and Equipment	4,888,575	
(bx) Unallocated reduction	52,625	
Total of schedule	18,146,336	
Less estimated amounts payable from other sources:		
(c) Reimbursements	1,962,107	
(d) Amount payable from Item 219.5	1,236,355	
Net appropriation	14,947,874	
provided, that no more than $300,000 of this item shall be available for expenditure at Squaw Valley State Recreation Area; and provided further, that any revenues or reimbursements at Squaw Valley in excess of $135,000 in fiscal year 1968–69 are hereby appropriated to supplement the $300,000 for use exclusively in operating and maintaining the physical plant and structures at Squaw Valley State Recreation Area.		
219.5—For support of the Department of Parks and Recreation to be transferred to, and in augmentation of, Item 219 of this act by the State Controller		1,236,355
provided, that these funds shall be available only for expenditure at Hearst San Simeon State Historical Monument; and further provided, that any revenue in excess of $1,236,355 derived from tours at Hearst San Simeon State Historical Monument, as determined by the Director of the Department of Parks and Recreation, shall be transferred to a special account in the General Fund, and shall be available only for appropriation by the Legislature for maintenance and capital outlay at Hearst San Simeon State Historical Monument.		
220—For transfer to the Water Resources Revolving Fund, to be transferred by the State Controller in such amounts as the Department of Finance may authorize, for support of Department of Water Resources, including cooperative work with other agencies, in accordance with the following schedule		10,320,268

Item		Amount
Schedule:		
(a) General management	5,050,985	
(b) Water resources evaluation	2,789,290	
(c) Water use and demand	646,270	
(d) Planning for water development	2,079,526	
(e) Protection of water resources	862,580	
(f) Control of floods and prevention of damage	3,536,241	
(g) Services to other agencies	596,220	
(h) Technical services	6,640	
(i) Operations	53,501	
(ix) Reduction to be allocated to programs	250,000	
Total of schedule	15,371,253	
Less estimated reimbursements from programs:		
1. General Fund	610,330	
2. Other	4,440,655	
Net appropriation	10,320,268	

provided, that the money so transferred be placed in a special account in that fund and shall not be available for expenditure after June 30, 1969, and any unencumbered balances shall be returned to the General Fund as of June 30, 1969; and provided further, that any amount withdrawn from this item and expended for work in the federal cooperative program must be matched by an expenditure of like amount by the federal government in this state for this purpose; and provided further, that of the amount included in (d) of the above schedule, $35,000 shall be expended for continuation of the North Coast Action Program; and provided further, that with the approval of the Department of Finance, funds included in (d) of the above schedule may be made available for continuation of the San Diego ground water study and other ground water studies as justified.

220.5—For transfer to the California Water Resources Development Bond Fund, to be transferred by the State Controller, from time to time, in such amounts as the Department of Finance may authorize, for payment of accumulated operation and maintenance costs allocable to recreational benefits of the California Water Facilities Program		500,000

Item		Amount
	provided, this appropriation shall be deemed a progress payment pursuant to Section 11913 of the Water Code and shall be subject to redetermination upon subsequent approval of cost allocations by the Legislature under the provisions of Section 11912 of the Water Code.	
221—For support of Reclamation Board, in accordance with the following schedule		—0—
Schedule:		
(a) Personal Services	1,049,919	
(b) Operating Expenses and Equipment	219,924	
Total of schedule	1,269,843	
Less estimated reimbursements	1,269,843	
Net appropriation		—0—
222—For support of Colorado River Board of California, in accordance with the following schedule		265,455
Schedule:		
(a) Personal Services	219,129	
(b) Operating Expenses and Equipment	52,048	
(bx) Unallocated reduction	5,722	
Total of schedule	265,455	
223—For support of State Water Resources Control Board, in accordance with the following schedule		2,434,653
Schedule:		
(a) Personal Services	2,123,957	
(b) Operating Expenses and Equipment	648,896	
Total of schedule	2,772,853	
Less estimated amounts available from other sources:		
(c) Reimbursements	44,000	
(d) Grants from the federal government or agencies thereof	294,200	
Net appropriation	2,434,653	
224—For comprehensive study of water quality control in San Francisco, San Pablo, and Suisun Bays and in Sacramento-San Joaquin Delta and development of comprehensive plan for control of water quality, pursuant to Water Pollution Control Law of 1965, Chapter 1351, Statutes of 1965. State Water Resources Control Board		430,000

Item			Amount
225—For support of California Goose Lake Compact Commission			2,000
226—For support of any advisory committee appointed pursuant to Article 4 (commencing with Section 190), Chapter 2, Division 1, of the Water Code, to be expended only upon authorization of the chairman of the advisory committee			6,000
228—For support of California-Nevada Interstate Compact Commission			27,000
229—For support of San Francisco Bay Conservation and Development Commission, in accordance with the following schedule			221,892
Schedule:			
(a) Personal Services	135,642		
(b) Operating Expenses and Equipment	86,250		
Total of schedule	221,892		
TRANSPORTATION			
230—For support of Division of Aeronautics, payable from the Aeronautics Fund, in accordance with the following schedule			431,104
Schedule:			
(a) Personal Services	210,504		
(b) Operating Expenses and Equipment	220,600		
Total of schedule	431,104		
230.5—For purchase, placement and operation of two low-frequency communications devices in the Owens Valley, payable from the Aeronautics Fund			15,000
231—For the development of a state master airport plan, Division of Aeronautics, payable from the Aeronautics Fund			160,000
232—For support of Office of Management Services, Transportation Agency, in accordance with the following schedule			218,098
Schedule:			
(a) Personal Services	172,438		
(b) Operating Expenses and Equipment	45,660		
Total of schedule	218,098		
233—For support of traffic safety and alcohol program, Transportation Agency, payable from the Motor Vehicle Fund, in accordance with the following schedule			50,000

Item		Amount
Schedule:		
(a) Personal Services	22,007	
(b) Operating Expenses and Equipment	175,800	
Total of schedule	197,807	
Less amounts available from other sources:		
(c) Estimated grants from federal government	147,807	
Net appropriation	50,000	
234—For support of medical aspects of traffic safety program, Transportation Agency, payable from the Motor Vehicle Fund, in accordance with the following schedule		28,536
Schedule:		
(a) Operating Expenses	120,485	
Total of schedule	120,485	
Less amounts available from other sources:		
(b) Estimated grants from federal government	91,949	
Net appropriation	28,536	
235—For support of Department of the California Highway Patrol, payable from the Motor Vehicle Fund, in accordance with the following schedule		93,475,482
Schedule:		
(a) Personal Services	75,063,023	
(b) Operating Expenses and Equipment	19,831,088	
Total of schedule	94,894,111	
Less estimated reimbursements	1,418,629	
Net appropriation	93,475,482	
236—For support of Vehicle Equipment Safety Commission, payable from the Motor Vehicle Transportation Tax Fund		8,835
237—For payments of deficiencies in appropriations for the Department of the California Highway Patrol which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $250,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund; provided, that amounts authorized from this item shall be		

Item		Amount
	made for purchase or operation of motor vehicles or purchase of required automobile accessories upon showing that such amounts are in excess of the amounts provided for in the appropriations to be augmented.	
238—For support of Department of Motor Vehicles, payable from the Motor Vehicle Fund, in accordance with the following schedule		51,798,362
Schedule:		
(a) Personal Services	49,258,823	
(b) Operating Expenses and Equipment	13,514,847	
Total of schedule	62,773,670	
Less estimated amounts available from other sources:		
(c) Reimbursements	3,807,817	
(d) Amount payable from Motor Vehicle License Fee Fund (Item 239)	7,167,491	
Net appropriation	51,798,362	
239—For support of Department of Motor Vehicles, payable from the Motor Vehicle License Fee Fund to be transferred to the Motor Vehicle Fund, in augmentation of Item 238 of this act, as provided by Section 11003 of the Revenue and Taxation Code.		7,167,491
240—For payment of deficiencies in appropriations for the Department of Motor Vehicles which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $500,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund.		
VETERANS AFFAIRS		
241—For support of Department of Veterans Affairs, in accordance with the following schedule		745,944
Schedule:		
(a) Personal Services	717,949	
(b) Operating Expenses and Equipment	168,018	
Total of schedule	885,967	

Item		Amount
Less estimated amounts available from other sources:		
(c) From Veterans' Farm and Home Building Fund of 1943 (Item 242)	140,023	
Net appropriation	745,944	
242—For support of Department of Veterans Affairs, payable from the Veterans' Farm and Home Building Fund of 1943 to be transferred to the General Fund, in augmentation of Item 241 of this act.		140,023
243—For educational assistance to veterans' dependents. Department of Veterans Affairs, to be expended under the provisions of Sections 890 through 899 of the Military and Veterans Code		2,353,325
244—For support of Veterans' Home of California, in accordance with the following schedule		5,034,405
Schedule:		
(a) Personal Services	5,310,644	
(b) Operating Expenses and Equipment	1,045,600	
Total of schedule	6,356,244	
Less estimated amounts available from other sources:		
(c) Reimbursements	86,314	
(d) Estimated grants from the federal government	1,235,525	
Net appropriation	5,034,405	
provided, that none of the funds herein appropriated shall be expended for the payment of sick leave pay for member employees.		

MISCELLANEOUS

246—For support of State Advisory Commission on Indian Affairs, including the expenses of the advisory committee	46,021
247—For support of Advisory Commission on the Status of Women	41,272
248—For the payment of claims pursuant to Chapter 5 (commencing with Section 13960) of Part 4 of Division 3 of Title 2 of the Government Code, State Board of Control and in addition thereto, there is hereby appropriated for the purpose of this item any amount on deposit in the Indemnity Fund,	25,000

Item		Amount
pursuant to Section 13964 of the Government Code.		
250—For support of California Arts Commission		158,769
251—For support of the Commission of the Californias		33,699
252—For support of Board of Harbor Commissioners for Humboldt Bay		2,800
253—For the state's contribution for the cost of a basic health benefits plan, for annuitants and other employees, in accordance with Sections 22828 and 22829 of the Government Code, which is not chargeable to any other appropriation		1,226,880
254—For refunding of payments of taxes, licenses, fees and other receipts which have been erroneously collected and deposited in the General Fund for the refund of which no other provision is made by law and for payment of prior judgments, liens or encumbrances pursuant to Section 12516 of the Government Code— provided, that expenditures made under this item shall be charged to the year in which the warrant is issued by the State Controller.		20,000
255—For support of California World Trade Authorities Coordinating Council, San Francisco World Trade Center Authority and Southern California World Trade Center Authority, to be expended only upon authorization of the California World Trade Center Authorities Coordinating Council		280,991
256—For payment to various local jurisdictions and state agencies for support of the Migrant Master Plan in cooperation with the federal government programs, resulting from the Economic Opportunity Act, Department of Finance, in accordance with the following schedule		249,735
Schedule:		
(a) Shelter construction	2,100,000	
(b) Management, day care, education and sanitation programs	2,697,067	
Total of schedule	4,797,067	
Less amounts available from other sources:		
(c) Estimated grants from federal government or other sources	4,547,332	
Net appropriation	249,735	

Item		Amount
	DEBT SERVICE	
257—For payment of interest, on order of the Director of Finance, on transfers of money from any fund or account subject to investment, to the General Fund under Section 16310 of the Government Code, computed at a rate determined by the Pooled Money Investment Board to be a rate of interest prescribed by Section 16310.5 of the Government Code		12,794,437
	UNALLOCATED	
258—For Salary Increase Fund, to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid each state officer or employee in the state service other than personnel in faculty and faculty-related classifications in the University of California whose salary ranges are set by the Regents and instructional and instructional-related positions in the California State Colleges whose compensation, or portion thereof, is chargeable to the General Fund, the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after July 1, 1968, by the State Personnel Board or other salary-fixing authority, in accordance with the following schedule		37,970,939
Schedule:		
(a) For increases in compensation set by the State Personnel Board or other salary-fixing authority exclusive of the Regents of the University of California and the Trustees of the California State Colleges		27,320,047
(b) For increases in compensation for nonfaculty positions established by the Regents of the University of California		6,654,089
(c) For increases in compensation for noninstructional po-		

Item		Amount
	sitions established by the Trustees of the California State Colleges	3,996,803
	Total of schedule	37,970,939

For state officers and employees whose compensation, including staff benefits, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid an amount sufficient to provide increases in compensation, including staff benefits, for each such officer or employee, in accordance with this item, which amount is to be made available by executive order of the Director of Finance in augmentation of their respective appropriations for support or for other purposes.

Before any increased salary range or rate established for any position for the 1968–69 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money either is available in funds authorized for the agencies or may be made available from the appropriation in this item, to meet the cost of such increases.

258.5—For university salary increases, to be allocated by the Department of Finance to the regents of the university, in augmentation of its appropriation for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1968, for the 1968–69 fiscal year by the regents of the University for faculty positions 5,558,090

provided, that increase in compensation provided by increased salary ranges for faculty positions established for the 1968–69 fiscal year shall not result in total annual salary increases including staff benefits of more than $5,558,090.

Before the Regents of the University of California establish any increased salary range or rate for the 1968–69 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the University of

Item		Amount
	California or may be made available from the appropriation in this item to meet the cost of such increases.	
259	—For university salary increases, to be allocated by the Department of Finance to the regents of the university, in augmentation of its appropriation for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1968, for the 1968–69 fiscal year by the regents of the university for faculty-related positions, in accordance with the following schedule	2,370,150
	Schedule:	
	(a) For salary increases for faculty-related positions	2,370,150
	Total of schedule	2,370,150
	provided, that increase in compensation provided by this item for general salary increases for faculty-related positions established for the 1968–69 fiscal year shall not result in total annual salary increases including staff benefits of more than $2,370,150.	
	Before the Regents of the University of California establish any increased salary range or rate for the 1968–69 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the University of California or may be made available from the appropriation in this item to meet the cost of such increases.	
259.5	—For California State Colleges' salary increases, to be allocated by the Department of Finance to the Trustees of the California State Colleges, in augmentation of appropriations for support or for other purposes, in such amounts as will defray the cost, including staff benefits of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1968, for the 1968–69 fiscal year by the Trustees of the California State Colleges for instructional positions	13,540,510
	provided, that increases in compensation provided by this item for increased salary ranges for instructional positions established for the	

Item	Amount
1968–69 fiscal year shall not result in total annual salary increases including staff benefits of more than $13,540,510. Before the Trustees of the California State Colleges establish any increased salary range or rate for the 1968–69 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the California State Colleges or may be made available from the appropriation in this item, to meet the cost of such increases.	
260—For California State Colleges' salary increases, to be allocated by the Department of Finance to the Trustees of the California State Colleges, in augmentation of appropriations for support or for other purposes, in such amounts as will defray the cost, including staff benefits of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1968, for the 1968–69 fiscal year by the Trustees of the California State Colleges for instructional-related positions, in accordance with the following schedule _____	265,438
Schedule: (a) For salary increases for instructional-related positions_ 265,438 Total of schedule _____ 265,438	
provided, that increases in compensation provided by this item for increased salary ranges for instructional-related positions established for the 1968–69 fiscal year shall not result in total annual salary increases including staff benefits of more than $265,438. Before the Trustees of the California State Colleges establish any increased salary range or rate for the 1968–69 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the California State Colleges or may be made available from the appropriation in this item, to meet the cost of such increases.	
261—For salary increase fund _____ to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies in augmentation of their respective appropriations for support or for other pur-	105,075

Item		Amount
	poses, in such amounts as will make sufficient money available to be paid each state officer whose salary is specified by statute and whose salary is paid from the General Fund, an increase in compensation of 5 percent for the fiscal year 1968–69, payable in an amount per month determined by the Department of Finance that will ensure that such state officers receive a 5-percent increase in total compensation for the entire fiscal year and each such salary is so increased. For those state officers whose salaries are set by statute and whose compensation, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers are paid an amount sufficient to provide increases in compensation of 5 percent for each such officer for the fiscal year 1968–69 payable in an amount per month determined by the Department of Finance that will ensure that such state officers receive a 5-percent increase in total compensation for the entire fiscal year and each such salary is so increased, which amount is to be made available by executive order of the Director of Finance in augmentation of their respective appropriations for support or for other purposes. This item shall not apply to those state officers whose offices are established by Article IV, V or IX of the California Constitution and filled by a vote of the electors or officers subject to the provisions of Section 68203 of the Government Code. This item shall also apply to the salaries of the secretaries and other personnel of the Governor who are appointed pursuant to Section 12001 of the Government Code and shall thus be construed as authorizing the Governor to fix each such salary in an amount 5 percent in excess of such statutory maximum during the period when funds are made available by this item.	
262	For allocation by executive order of the Department of Finance to the several courts, state agencies, and counties, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will defray the state's share of the cost of the increases in compensation for judges, justices and related classes as provided in Section 68203 of the Government Code ----------	2,249,539

Item		Amount
263—For Emergency Fund, to be expended only on written authorization of the Department of Finance for emergencies ---------- and in addition, $1,000,000 is appropriated for loans that may be made from the Emergency Fund to state agencies which derive their support from the General Fund or from sources other than the General Fund, upon such terms and conditions for repayment as may be prescribed by the Department of Finance and any sum so loaned shall, if ordered by the Department of Finance, be transferred by the State Controller to the fund from which the support of the agency is derived. Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation, or insufficient appropriation, has been made by law and which in the judgment of the Director of Finance constitute cases of actual necessity, but these shall be limited to purposes which have been specifically approved by the Legislature in budget acts or other legislation, except that not more than $100,000 of this item may be expended for emergencies for which no such prior authorization exists.		1,000,000

Provided, that the Director of Finance shall file with the Joint Legislative Budget Committee within 10 days after approval, copies of all executive orders and allotment promises for allocations from the Emergency Fund stating the reasons for, and the amount of, all such executive orders and allotment promises for allocations.

Provided further, that any augmentation from this item to any program in excess of 10 percent of the amount authorized for expenditure in the 1968–69 fiscal year for such program shall become effective no sooner than 30 days after notification in writing to the Joint Legislative Budget Committee or no sooner than such lesser time as the committee, or its designee, may in each instance determine, except that no such limit shall apply if the Director of Finance states in writing to the Chairman of the Joint Legislative Budget Committee the necessity and urgency for the allocation which, in the judgment of the director, makes prior approval impractical.

Item		Amount
264—For the administration, investigation, adjustment, defense and payment of tort liability claims, settlements, compromises and judgments against the state, its officers, servants and employees, for expenditure by the Department of Finance in its discretion in respect to, or for allocation by the Department of Finance in its discretion to, state agencies, departments, boards, bureaus or commissions supported from the General Fund; or for the purchase of insurance protecting the state, its officers, servants and employees against such tort liability claims, including the defense of such claims whether or not liability exists, Department of Finance -------		1,049,292
and in addition thereto, there is hereby appropriated from each fund, other than the General Fund, an amount sufficient to pay the cost of administration, investigation, adjustment, defense, and payment of tort liability claims, settlements, compromises and judgments against the state or the state agency supported from such fund, arising from activities of such state agency, or for the purchase of insurance protecting the state, its officers, servants and employees of such state agency against tort liability claims and for the defense of such claims whether or not liability exists; provided, that no expenditures from any such appropriation from a fund other than the General Fund for payment of tort liability claims shall be made unless approved by the Department of Finance in its discretion; and provided further, that any funds appropriated herein may be expended for either, or any combination, of the purposes specified herein as may be approved by the Department of Finance.		
265—For claim of the Secretary of the State Board of Control, to be paid from the several funds, in accordance with the following schedule---		645,422
Schedule:		
(a) General Fund ----------	462,152	
(b) Aeronautics Fund --------	193	
(c) California Water Fund ----	3,787	
(d) Fish and Game Preservation Fund ----------	261	
(e) State Highway Fund-------	6,419	
(f) Motor Vehicle Fund -------	5,714	
(g) Motor Vehicle Fuel Fund---	61,834	

Item		Amount
	(h) Motor Vehicle License Fee Fund	6
	(i) Board of Barber Examiners' Fund	335
	(j) Professional Engineers' Fund	16
	(k) Real Estate Fund	66
	(l) State Fair Fund	86
	(m) Architecture Revolving Fund	786
	(o) San Francisco Harbor Improvement Fund	511
	(p) State Construction Program Fund	36,494
	(q) Unemployment Administration Fund	59
	(r) Water Resources Development Bond Fund	596
	(s) Water Resources Revolving Fund	20,554
	(t) Department of Finance—Capitol Area Plan, Chapter 1242, Statutes of 1963	127
	(u) Service Revolving Fund	201
	(v) Elsinore Special Deposit Fund	250
	(w) Cigarette Tax Fund	44,975
	Total of schedule	645,422
	provided, that any claims approved for refund of motor vehicle fuel license tax on fuel used in "pond boats" shall be subject to the enactment of Senate Bill No. 119 by the Legislature at the 1968 Regular Session.	
266	—For payment of the additional compensation for subsequent injury provided for by Sections 4750 through 4755 of the Labor Code, Department of Industrial Relations	1,300,000
267	—For temporary transfers to the General Fund, in accordance with Section 16310 of the Government Code, payable from the California Water Fund; provided, that this item does not authorize any transfer which will interfere with the object for which said California Water Fund was created.	

LOCAL ASSISTANCE SECTION

SEC. 2.1. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1968–69 fiscal year beginning July 1, 1968,

and ending June 30, 1969. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006 of the Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

AGRICULTURE

Item		Amount
268	The sum of $200,400 of the money appropriated by Section 19627 of the Business and Professions Code for support of county agricultural fairs is hereby reappropriated from the Fair and Exposition Fund during the 1968–69 fiscal year for transfer to the General Fund by the State Controller, upon order of the Director of Finance.	
269	The sum of $25,000 of the money appropriated by subdivision (b) of Section 19622 of the Business and Professions Code for support of the Los Angeles County Fair is hereby reappropriated from the Fair and Exposition Fund during the 1968–69 fiscal year for transfer to the General Fund by the State Controller, upon order of the Director of Finance.	
270	The sum of $15,000 of the money appropriated by subdivision (a) and allocated by subdivision (b) of Section 19626 of the Business and Professions Code is hereby reappropriated from the Fair and Exposition Fund during the 1968–69 fiscal year for transfer to the General Fund; and further provided, the sum of $3,000 of the money appropriated by subdivision (a) and allocated by subdivision (c) of Section 19626 of the Business and Professions Code is hereby reappropriated from the Fair and Exposition Fund during the 1968–69 fiscal year for transfer to the General Fund; and further provided, such transfers shall be made by the State Controller upon order of the Director of Finance.	

Item	Amount
271—For salaries of county agricultural commissioners or compensation for services performed for county agricultural departments, Department of Agriculture, to be expended in accordance with the provisions of Section 2224 of the Agricultural Code	171,600
272—For payments to cities and counties for lands under contract as agricultural preserves on July 1 of the 1968–69 fiscal year, Department of Agriculture, to be expended in accordance with the provisions of Section 51260 of the Government Code	1,000

CORRECTIONS

273—For reimbursements to counties for maintenance of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with the provisions of Sections 880 through 890 of the Welfare and Institutions Code	3,242,000
273.1—For reimbursements to counties for construction of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with Section 891 of the Welfare and Institutions Code	1,449,000
274—For payment of the state's share, as determined by the Department of Finance, of expenses incurred by local agencies in supervising and controlling juveniles as defined by Sections 600 through 607 of the Welfare and Institutions Code, at the international border between California and Mexico, pursuant to Section 1760(d) of said code, Department of the Youth Authority	55,330
275—For county delinquency prevention commissions, Department of the Youth Authority, to be allocated by the Director of the Youth Authority, in accordance with Section 1752.5 of the Welfare and Institutions Code	25,000
276—For assistance to counties in their operation of special probation supervision programs, in accordance with Sections 1820 through 1827 of the Welfare and Institutions Code, Department of the Youth Authority	7,900,000
provided, that the amount payable to any county shall be limited to the amount of its entitlement which would be calculated on the basis of the reduced commitment rate achieved during the 1967–68 fiscal year. Moneys appropriated by this item shall be availa-	

Item		Amount
	ble to reimburse counties for their expenditures for the cost of new or expanded special probation supervision programs established above the level of effort in probation supervision maintained by these counties during the 1965–66 fiscal year. Expenditures made under this item to reimburse counties for their cost of special probation supervision programs shall be charged to the year the warrant is issued by the State Controller.	
	EDUCATION	
277	—For education of educationally handicapped minors, to provide the allowances computed for county superintendents of schools and school districts for education of such minors pursuant to Article 11 (commencing with Section 18101) of Chapter 3 of Division 14 of, and Section 18358 of, the Education Code, to be transferred to the State School Fund, to the extent needed as certified by the Superintendent of Public Instruction to the State Controller	14,250,000
278	—For support of instructional television programs, Department of Education, to be expended in accordance with the provisions of Section 18270 of the Education Code	750,000
279	—For support of special elementary school reading instruction programs, Department of Education, to be expended in accordance with the provisions of Sections 7770 through 7825 of the Education Code	16,000,000
280	—For support of mathematics improvement programs, Department of Education, to be expended in accordance with the provisions of Chapter 2.6, Division 7 of the Education Code	925,000
281	—For support of Department of Education provided, that the appropriation made by this item is limited to carrying out the provisions of Sections 6450 through 6474, 6481 through 6486, and 6490 through 6498 of the Education Code.	11,000,000
282	—For support of child care centers, Department of Education, to be apportioned by the department in the manner provided by Chapter 5, Division 12 of the Education Code, to school districts maintaining child care centers pursuant to Sections 16601 through 16645.25 of the Education Code, in accordance with the following schedule	14,646,702

Item		Amount
Schedule:		
(a) Children's Centers	11,590,202	
(b) Development Centers for Handicapped Minors	3,056,500	
(c) Preschool Education	15,300,000	
Total of schedule	29,946,702	
Less estimated reimbursements	15,300,000	
Net appropriation	14,646,702	

provided, that the Department of Finance may, by executive order, transfer funds scheduled in subdivision (a), above, for and in augmentation of the amount scheduled in subdivision (d) of Item 296 of this act for expenditure for the Child Development and Protection Program, for purposes of meeting the state matching fund requirements for child care services provided for under Public Law 90-248.

283—For transfer by State Controller to the Teachers' Retirement Fund for State Teachers' Retirement System 71,500,000

284—For grants to teachers of physically handicapped minors, Department of Education, to be expended in accordance with the provisions of Chapter 8.5 (commencing with Section 6875) of Division 6 of the Education Code 150,000

285—For publishing, purchasing and shipping free textbooks, Department of Education, in accordance with the following schedule 20,996,075

Schedule:		
(a) Personal Services	132,254	
(b) Operating Expenses and Equipment	20,913,821	
Total of schedule	21.046,075	
Less estimated reimbursements	50,000	
Net appropriation	20,996,075	

provided, that none of the moneys appropriated by this item may be expended for publishing, purchasing or shipping any textbook, which has been conditionally approved or adopted by the State Board of Education subject to the condition that revisions will be made in such textbook by the publisher, unless and until such revisions have been made to the complete satisfaction of said board.

Item	Amount
Provided, that none of this appropriation shall be available to finance contracts in respect to basic textbooks adopted by the State Board of Education during the 1967–68 or 1968–69 fiscal years in which the total price, including sales and use tax, for any textbook submitted on a finished-book basis exceeds by more than 13 percent the average of the three highest total prices for a competitive textbook submitted on the basis of leasing plates to the state or in which said total price for any such textbook exceeds by more than 13 percent the sum of the manufacturing cost of such textbook as estimated by the State Department of General Services, and the average royalty cost of the three highest priced competitive textbooks, except that upon a finding by the State Board of Education that the book submitted on a finished-book basis is clearly superior in quality and utility to others submitted on a leased-plate basis, this appropriation shall be available to finance contracts at a cost to be agreed upon by the State Board of Education if such cost does not exceed by more than 13 percent the sum of the manufacturing cost of such textbook as estimated by the State Department of General Services and the average royalty cost of the three highest priced competitive textbooks. Provided further, that none of this appropriation shall be available to finance contracts for textbooks adopted as supplemental textbooks by the State Board of Education during the 1967–68 or 1968–69 fiscal years in which the unit price, including sales and use tax, for any textbook submitted on a finished-book basis exceeds the unit manufacturing cost of such textbook as estimated by the State Department of General Services, multiplied by the average of the ratios of the total computed unit cost of each other supplementary textbook submitted to the state on a leased-plate basis for the same grade level to the unit manufacturing cost of each such other textbook, plus 13 percent of the unit manufacturing cost of the textbook which is offered on a finished-book basis. For the purposes of this item, three means all if fewer than three competitive textbooks are submitted on a leased-plate basis and textbooks includes teachers' manuals or editions.	

Item	Amount
However, this appropriation shall be available, without regard to the foregoing conditions, to finance contracts for textbooks adopted as supplementary textbooks by the State Board of Education during the 1967–68 or 1968–69 fiscal year for which offers were received on both a leased-plate and finished-book basis if the State Board of Education accepts the lesser of the two offers.	
The Department of Finance shall maintain a procedure which will indicate any cases in which the numbers and estimated costs of textbooks represented in printing or purchase orders placed during the budget year vary from the amounts contained in the budget schedule submitted by the Department of Education upon which this item of appropriation is based, and the Department of Finance shall unallot all amounts which are made available because of such differences. Upon presentation of need, the Department of Finance may reallot such funds as it finds necessary. It shall report all such actions to the Joint Legislative Budget Committee prior to August 1, 1969.	
286—For assistance to public libraries, Division of Libraries, Department of Education, to be apportioned by the Division of Libraries as provided in Chapter 1.5 (commencing with Section 27111) of Division 20 of the Education Code	1,600,000
287—For vocational education programs in public school districts, conducted under the provisions of Sections 6251 through 6254 of the Education Code, Department of Education, in accordance with the following schedule	1,030,271
Schedule:	
(a) Payments to public school district	29,109,076
Total of schedule	29,109,076
Less estimated amounts available from other sources:	
(b) Federal grants	28,078,805
Net appropriation	1,030,271
provided, that $800,000 of the net appropriation will be allocated by executive order of the Department of Finance to the Department of Education, if the matching require-	

Item		Amount
	ments for the Manpower Development and Training Act cannot be met with state and/or local in-kind services.	
	HEALTH AND WELFARE	
288—For assistance to local agencies in the establishment and operation of mental health services, in accordance with the provisions of Division 8 of the Welfare and Institutions Code provided, that upon certification by the Office of Health Care Services of the amount of expenditures for services that have been rendered by local agencies under the provisions of Division 8 of the Welfare and Institutions Code to patients eligible for services under the California Medical Assistance Program, the Department of Finance may authorize the transfer of funds from this item to the Health Care Deposit Fund for the state's share of such expenditures. Provided further, that this appropriation shall be expended, to the maximum extent feasible, for services provided by local programs which will reduce admissions to state hospitals.		29,460,000
289—For assistance to counties, and cities and counties, to be expended for services to physically handicapped children, including children diagnosed as suffering from phenylketonuria, in accordance with provisions of Sections 249 through 271 of the Health and Safety Code, Department of Public Health, in accordance with the following schedule ___		11,653,609
Schedule:		
(a) Diagnosis _____	1,973,970	
(b) Treatment _____	10,815,625	
(c) Nonresident Care _____	45,000	
(d) Administrative Allowance__	900,000	
Total of schedule _____	13,734,595	
Less estimated amounts available from other sources:		
(e) Estimated grants from the federal government _____	1,348,317	
(f) Estimated repayments _____	732,669	
Net appropriation _____	11,653,609	
provided, that the Department of Public Health shall have the authority to transfer funds between items in the schedule above		

Item	Amount
to meet program needs with the approval of the Department of Finance; and provided further, that this appropriation shall be made available to the several counties as follows: (a) The State Department of Public Health shall allocate to each county and city and county an amount which, when added to the amount provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, shall equal three times the amount provided and approved by the county or city and county pursuant to Section 270 of the Health and Safety Code, or twenty thousand dollars ($20,000), whichever is the greater. The provisions of this section shall not apply to a county or city and county whose proposed expenditure program is less than three times the amount determined to be the county or city and county obligation pursuant to Section 270 of the Health and Safety Code. (b) The Department of Public Health shall develop a uniform standard of financial eligibility for the handicapped children program and an equitable formula for the repayment for services rendered in the program. The formula will be based on the ability of persons responsible for children receiving services in the program to pay for services. All counties or cities and counties will utilize the standards and reimbursement formula developed by the department. All reimbursements will be used to meet the costs of the handicapped children's program except for those counties or cities and counties which may elect to reduce their program costs as provided in Section (c) of this item. When counties or cities and counties make such election, the department may reduce the program to reflect such elections by counties or cities and counties. (c) All reimbursements shall be used to meet the costs of the handicapped children's program except for those counties which elect to restrict their programs to the amount of funds appropriated by the county. In such case, the reimbursements shall be divided between the county and the state in the same percentage as the funds were allocated under the provisions of Section (a) above.	

Item		Amount
	(d) For the purpose of administration by independent counties, there shall be allocated an amount equal to two-thirds of the expenditures for the local administration of each independent county's program, made in accordance with a budget approved by the Department of Public Health; provided, however, that such amount shall not exceed 6⅔ percent of the gross total expenditures for diagnosis and treatment by that county in the preceding fiscal year.	
	(e) No funds may be allocated to any county with a population of 200,000 or more as of the first day of the fiscal year specified in Section 2.1 of this act, unless such county is independently administering the program; provided, however, during the first six months of the fiscal year in which any county is affected by this provision, and after notification to the Department of Public Health by a county that action is being taken to assume independent administration of the program, payments may continue to be made on behalf of such county by the state.	
	(f) The allocations of funds shall be made in such a manner as to insure the availability of funds during the entire fiscal year 1968–69 within the limits of this appropriation.	
	(g) Expenditures made under this item to reimburse counties and cities and counties for the state's share of the cost of such services shall be charged to the fiscal year in which the county or city and county issues its warrant in payment of such services and shall not exceed the amount appropriated for each fiscal year. Expenditures made under this item on behalf of counties or cities and counties for the cost of such services shall be charged to the year in which the warrant is issued by the State Controller.	
290—For assistance to counties, and cities and counties, for maintenance of tuberculosis sanatoria, Department of Public Health____ including an additional amount of three dollars and fifty-eight cents ($3.58) per patient-day in accordance with Sections 3300 and 3301 of the Health and Safety Code; leasing of facilities in accordance with Section 3295		2,499,997

Item	Amount
of the Health and Safety Code; and reimbursement of burial expenses in accordance with Section 3296 of the Health and Safety Code.	
291—For assistance to counties by the establishment of local health services, in accordance with Section 1157 of the Health and Safety Code, Department of Public Health	605,223
292—For assistance to cities, counties, local health agencies and local health districts for the establishment of minimum standards of personnel, organization and administration of local health departments, in accordance with the provisions of Chapter 8, Part 2, Division 1 of the Health and Safety Code, Department of Public Health	4,701,076
293—For assistance to local agencies for the treatment of physically handicapped minors by physical and occupational therapy to be provided in special schools and classes with assignment of therapists based on the number of children requiring therapy, Department of Public Health	2,794,000
provided, that all therapists will be employed by local agencies; and provided further, that the allocation of funds to be expended under this item shall be made in such a manner as to insure the availability of funds during the entire fiscal year 1968–69 within the limits of this appropriation.	
295—For assistance to local agencies in the establishment and operation of mental retardation diagnostic and counseling centers and for the purchase of care and treatment services for the mentally retarded in accordance with the provisions of Sections 415 through 416.2 of the Health and Safety Code, Department of Public Health	2,292,570
provided, that the Department of Public Health may enter into a contractual agreement with the Department of Mental Hygiene for the provision of preadmission, evaluation, and referral services until such time as local regional diagnostic and counseling centers, as authorized by the Legislature, are capable of providing these services.	
295.5—For assistance to cities, counties, cities and counties, and local hospital districts in the construction of hospital facilities, Department of Public Health, to be expended under	

Item		Amount
	provisions of the California Hospital Survey and Construction Act ---------- provided, that these funds are to be allocated to the top three priority applicants in the general hospital category in accordance with the priority list prepared by the Department of Public Health for the spring, 1968, meeting of the Hospital Advisory Council.	1,755,245
295.6	—For assistance to cities, counties, cities and counties, and local hospital districts in the construction of community mental health centers, Department of Public Health, to be expended under provisions of the California Hospital Survey and Construction Act ------ provided, that these funds are to be allocated to the top priority applicant in the community mental health centers category in accordance with the priority list prepared by the Department of Public Health for the spring, 1968, meeting of the Hospital Advisory Council.	1,236,710
296	—For the cost of special social service programs for which federal grants-in-aid are made to the state; for cost of adult protective services by county welfare departments; for costs of pilot or experimental social service programs designed to improve public assistance programs; for costs of preschool compensatory education services at child care centers; for grants or services to local agencies for the extension of child welfare services; for the cost of the adoption programs and care of children, to be expended in accordance with the provisions of Section 16100 et seq. of the Welfare and Institutions Code; for costs incurred by counties and cities in maintaining approved services for the licensing and inspection of agencies for child care and home finding and agencies for the care of the aged, to be expended in accordance with the provisions of Sections 16004 and 16202 of the Welfare and Institutions Code; for in-service training and educational leave stipends to increase the supply of trained welfare personnel for county welfare departments; for the cost of local projects in the administration of public assistance and social services for children; and for the costs of statewide social services' administration-improvement programs, Department of Social Welfare ----------	17,466,017

Item		Amount
	Such appropriation, together with any grants made available by the federal government for this purpose, shall be expended in accordance with the following schedule.	
	Schedule:	
	(a) Specialized Social Service Projects	5,500,000
	(b) Home Care Services Project	200,000
	(c) Training programs in economically depressed areas	40,000
	(d) Child Development and Protection Program	17,615,445
	(e) Adoption Program	10,500,000
	(f) Mandatory Adoption Exchange	106,385
	(g) Public Protection Programs	2,031,900
	(h) Public Welfare Manpower Program	1,921,800
	(i) Administrative Improvement Program	605,450
	Total of schedule	38,520,980
	Less estimated amounts available from other sources:	
	(j) Reimbursements	63,600
	(k) Estimated grants from the federal government	20,991,363
	Net appropriation	17,466,017
	provided, that all or any portion of the amounts included in section (e) may be transferred to Item 141 of this act, for support of Department of Social Welfare, upon order of the Department of Finance.	
297	—For transfer to the Health Care Deposit Fund to provide for Medical Assistance Program expenditures	336,000,000
	provided that the amount authorized to be expended by this item and any additional amount transferred to the Health Care Deposit Fund under the provision of Item 288 of this act, shall fully cover the state's share of payments for services for the 1968–69 fiscal year as defined in the Welfare and Institutions Code; provided further, that additional amounts may be transferred to the Health Care Deposit Fund from the General Fund upon certification by the Director of Finance that such amounts are necessary to extend Medical Assistance Program benefits to eligi-	

Item		Amount
	ble mentally retarded persons under the care of the Department of Mental Hygiene.	
	RESOURCES	
298	For loans to cities, counties, or districts pursuant to Sections 70.2 and 71.4 of the Harbors and Navigation Code, Department of Harbors and Watercraft, payable from the Harbors and Watercraft Revolving Fund	4,050,000
299	For grants for construction and development of small craft launching facilities to cities, counties, or districts pursuant to Section 83 of the Harbors and Navigation Code, Department of Harbors and Watercraft, payable from the Harbors and Watercraft Revolving Fund	444,500
300	For repairs of damage at small craft harbor facilities constructed pursuant to Sections 70 2, 71.4, and 83 of the Harbors and Navigation Code, caused by emergency conditions, including but not limited to tidal waves or severe storms, as may be authorized by the Director of Finance, with the consent of the Governor, the sum of $100,000, or as much thereof as may be necessary, payable from the Harbors and Watercraft Revolving Fund.	
301	For transfer to the California Water Fund by the State Controller for repayment of loans made pursuant to Item 421.5, Budget Act of 1958, as converted to grants pursuant to Chapter 1845, Statutes of 1965, payable from the Harbors and Watercraft Revolving Fund	106,426
301.1	For grants to soil conservation districts, Division of Soil Conservation, Department of Conservation	150,000
301.5	For expenditure by the Department of Water Resources, in accordance with Sections 12570 through 12875 of the Water Code, for payment of, and for reimbursement for necessary advances made for, the cost of cooperation by the state for major flood control projects adopted by the Legislature, for small flood control projects approved under Section 12750 of the Water Code, including the Coyote Creek project, and for watershed protection and flood prevention projects as authorized by Sections 12850 through 12875 of the Water Code	13,000,000

Item			Amount
provided, that no expenditure shall be made until the local organizations give assurances that they will maintain and operate the projects after completion in such manner as will accomplish the purposes for which the projects were authorized and constructed and as may be required by the federal agencies concerned and the Department of Water Resources, and that the local organizations will hold and save the State of California free from damages or claims due to the construction, installation, or operation of the project.			
301.6—To pay the state's share of the cost of local participation required and to make advances to meet the federal share in connection with the Orange County Beach Erosion Control Project, in accordance with Section 335.5 of the Water Code, as added by Chapter 108 of the 1967 Regular Session, Department of Water Resources, in accordance with the following schedule			507,400
Schedule:			
(a) Orange County, Anaheim Bay Harbor to Newport Bay (stage 3, state share)		99,000	
(b) Orange County, Anaheim Bay Harbor to Newport Bay (stage 3, advance for federal share)		402,000	
(c) Orange County, Doheny Beach (state share)		6,400	
Total of schedule		507,400	
TRANSPORTATION			
302—For allocation and expenditure by the Public Utilities Commission to assist cities, counties, and cities and counties in paying their share of the cost of constructing grade crossing protection works, in augmentation of Chapter 1302 of the Statutes of 1961, payable from the State Highway Fund			1,100,000
The appropriation made by this item shall be available without regard to fiscal years.			
OTHER PURPOSES			
303—For state's share of salaries of judges of superior courts as provided by Section 68206 of the Government Code			6,331,000

Item	Amount
304—For transfer by State Controller to the Judges' Retirement Fund	1,170,000
305—For contribution to counties toward the compensation and expenses of county service officers, Department of Veterans Affairs, to be expended in accordance with Section 972 of the Military and Veterans Code, payable from the surplus of the Veterans' Farm and Home Building Fund of 1943	500,000
306—For furnishing of workmen's compensation to disaster service workers and their dependents, in accordance with the provisions of Sections 3201 through 6002 of the Labor Code, including the reimbursing of the State Compensation Insurance Fund for the cost of services as adjusting agent, Governor's office, California State Disaster Office	50,000
The State Compensation Insurance Fund may draw from the State Treasury out of the appropriation made by this item, without at the time presenting vouchers and itemized statements, any portion of the appropriation contained in this item, to be used as a cash revolving fund. Expenditures made from the revolving fund in payment of claims for workmen's compensation and adjusting services are excepted from the operation of Section 925.6 of the Government Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the State Controller of an abstract or statement of such expenditures. Such abstract or statement shall be in such form as the State Controller requires.	
307—For allocation to cities, counties, and cities and counties, pursuant to Section 13523 of the Penal Code, Commission on Peace Officers' Standards and Training, payable from the Peace Officers' Training Fund	2,156,016
308—For contribution to counties for providing legal assistance to indigents charged with violation of state criminal law, in accordance with Section 987b of the Penal Code	775,000
309—For providing property tax assistance to claimants, in accordance with the provisions of the Senior Citizens Property Tax Assistance Law, Part 10.5 (commencing at Section 19501), of Division II of the Revenue and Taxation Code, Franchise Tax Board	22,000,000

CAPITAL OUTLAY SECTION

SEC. 2.2. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1968–69, 1969–70 and 1970–71 fiscal years, provided, that any funds appropriated specifically for minor projects shall be available only for the 1968–69 fiscal year. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

STATE BUILDING PROGRAM

GENERAL ADMINISTRATION

Item		Amount
310—For capital outlay, Department of General Services, in accordance with the following schedule		1,198,375
Schedule:		
(a) Alterations—Sacramento buildings	250,000	
(b) Alterations—Archives Building and Franchise Tax Building	248,375	
(c) Alterations—Resources Building—phase I	400,000	
(cx) Working drawings for office building—San Jose	300,000	
Total of schedule	1,198,375	
311—For capital outlay, Department of General Services, in accordance with the following schedule		296,346
Schedule:		
(a) Construct and equip office buildings Nos. 8 and 9	96,346	
(b) Alterations—various locations	200,000	
Total of schedule	296,346	
Notwithstanding the provisions of Section 2.2 of this act, the amount in this item shall be available for expenditure only during the 1968–69 fiscal year.		
312—For capital outlay, Department of General Services, minor projects		71,500
312.1—For capital outlay, Department of General Services, in accordance with the following schedule		75,000
Schedule:		
(a) Site clearance—Van Nuys	75,000	
Total of schedule	75,000	

AGRICULTURE

Item		Amount
313—For capital outlay, Department of Agriculture, in accordance with the following schedule		49,000
Schedule:		
(a) Construct Winterhaven inbound inspection facility	49,000	
Total of schedule	49,000	

CORRECTIONS

314—For capital outlay, Department of Corrections, in accordance with the following schedule		230,000
Schedule:		
Medical Correctional Institution:		
(a) Project planning including preliminary plans	150,000	
California Men's Colony—East Facility:		
(b) Construct hydraulic dredge—Chorro Reservoir	80,000	
Total of schedule	230,000	
provided, that funds for Item 314(a) shall be available for expenditure only for work done by the Office of Architecture and Construction, Department of General Services.		
315—For capital outlay, Department of Corrections, statewide minor projects		208,429
316—For capital outlay, Department of the Youth Authority, in accordance with the following schedule		866,240
Schedule:		
Fred C. Nelles School for Boys:		
(a) Perimeter security improvements	251,240	
Preston School of Industry:		
(b) Boiler and steam distribution improvements	250,000	
Southern California Youth Center:		
(c) Sewage treatment and disposal facilities	185,000	

Item		Amount
	Los Guilucos School for Girls:	
	(d) Modification to adjustment unit ---------- 180,000	
	Total of schedule ---------- 866,240	
317—For capital outlay, Department of the Youth Authority, statewide minor projects----------		158,500
318—For capital outlay, Department of the Youth Authority, in accordance with the following schedule ----------		132,000
Schedule:		
	Youth Conservation Camps:	
	(a) Equip Pine Grove Camp--- 66,000	
	(b) Equip Ben Lomond Camp-- 66,000	
	Total of schedule---------- 132,000	
Notwithstanding the provisions of Section 2.2 of this act, the amount in this item shall be available for expenditure only during the 1968–69 fiscal year.		
EDUCATION		
319—For capital outlay, School for the Deaf, Berkeley, minor projects ----------		17,400
320—For capital outlay, School for the Deaf, Riverside, minor projects ----------		20,100
HIGHER EDUCATION		
321—For augmentation of the Capital Outlay Fund for Public Higher Education, to be transferred from the funds reserved by Section 153 of Chapter 963, of the Statutes of 1967, to the Capital Outlay Fund for Public Higher Education by the State Controller, from time to time, in such amounts as determined by the Department of Finance------		53,000,000
322—For capital outlay, University of California, minor projects, payable from the Capital Outlay Fund for Public Higher Education -----		1,256,000
323—For capital outlay, University of California, in accordance with the following schedule, payable from the Capital Outlay Fund for Public Higher Education and notwithstanding any of the other provisions of Section 2.2 are hereby appropriated for expenditure only during the 1968–69 fiscal year, provided that withdrawals shall be as required to meet current obligations as certified by the University of California ----------		1,400,000

Item		Amount
Schedule:		
(a) Project planning for the 1969–70 fiscal year	1,100,000	
(b) General studies	100,000	
(c) Advance planning studies	200,000	
Total of schedule	1,400,000	
324—For capital outlay, University of California, subject to the approval of the State Public Works Board, in accordance with the following schedule, payable from the Capital Outlay Fund for Public Higher Education; provided that withdrawals shall be as required to meet current obligations as certified by the University of California		32,362,000
Schedule:		
Berkeley Campus:		
(a) Construct utilities and site development	300,000	
(b) Construct alterations to room 11, Wheeler Hall	332,000	
(c) Working drawings for Etcheverry Hall, Step 2	156,000	
Davis Campus:		
(d) Construct campus sewage plant expansion	1,534,000	
(e) Construct utilities and site development	1,145,000	
(f) Construct chemistry addition	3,894,000	
Davis Medical:		
(g) Construct medical surge unit	130,000	
Irvine Campus:		
(h) Construct utilities and site development	1,022,000	
(i) Construct social sciences unit 1	3,949,000	
(ix) Construct medical surge facilities	2,475,000	
Los Angeles Campus:		
(j) Construct north campus library unit 2	3,313,000	
Riverside Campus:		
(k) Construct utilities	210,000	
(*l*) Working drawings for Webber Hall addition	175,000	

Item		Amount
	San Diego Campus:	
(n)	Acquire and connect city utility lines	160,000
(o)	Construct utilities and site development	1,512,000
(p)	Construct utilities and site development—Elliott Field Station	118,000
(q)	Construct building 2D	2,528,000
	San Francisco Medical:	
(r)	Construct school of nursing building	1,474,000
(s)	Construct utilities expansion —west side of campus	155,000
	Santa Barbara Campus:	
(t)	Construct utilities and site development	1,546,000
(u)	Construct South Hall addition	3,019,000
	Santa Cruz Campus:	
(v)	Construct utilities and site development	741,000
(w)	Construct performing arts building	1,500,000
(x)	Construct college 5	740,000
(y)	Working drawings for social sciences unit 1	105,000
	Hastings College of the Law:	
(z)	Construct alterations	129,000
	Total of schedule	32,362,000
325	—For capital outlay, University of California, subject to the approval of the State Public Works Board, to be allocated by executive order of the Department of Finance upon agreement between the Department of Finance and the University of California as to the proper scope and estimate of cost of each project in this item, in accordance with the following schedule, payable from the Capital Outlay Fund for Public Higher Education; provided that withdrawals shall be as required to meet current obligations as certified by the University of California	1,217,000

Item		Amount
Schedule:		
Irvine Medical:		
(b) Working drawings for medical sciences unit 1	717,000	
San Diego Medical:		
(c) Construct facilities at County-University Hospital	500,000	
Total of schedule	1,217,000	
326—For Capital Outlay, University of California, in accordance with the following schedule, payable from the Capital Outlay Fund for Public Higher Education; provided, that withdrawals shall be as required to meet current obligations as certified by the University of California		8,336,000
Schedule:		
Berkeley Campus:		
(a) Equip engineering materials lab addition	500,000	
(b) Equip alterations to room 11, Wheeler Hall	30,000	
Davis Campus:		
(c) Equip floriculture greenhouses and headhouses	45,000	
(d) Equip campus sewage plant expansion	6,000	
(e) Equip school of law building	201,000	
(f) Equip classroom and office unit 3	206,000	
(fx) Equip biological sciences unit 3	253,000	
Davis Medical:		
(g) Equip medical surge unit	720,000	
(h) Equip veterinary medical facilities unit 1—teaching and research hospital	300,000	
Irvine Campus:		
(i) Equip central plant unit 2	11,000	
(j) Equip library unit 2	159,000	
(k) Equip fine arts unit 1	334,000	
(*l*) Equip physical sciences unit 1	500,000	
(m) Equip engineering unit 1	584,000	
Irvine Medical:		
(n) Equip medical surge facilities	100,000	

Item		Amount
	Los Angeles Health Sciences:	
	(o) Equip hospital and clinics unit 2B, step 2	1,000,000
	Riverside Campus:	
	(p) Equip library unit 3	292,000
	San Diego Campus:	
	(r) Equip building 2A	500,000
	(s) Equip building 2E, step 1	20,000
	San Diego Medical:	
	(t) Equip basic science building	500,000
	Santa Barbara Campus:	
	(u) Equip classroom and office unit 4	227,000
	(v) Equip physics unit 1	597,000
	(w) Equip music unit 2	80,000
	Santa Cruz Campus:	
	(x) Equip college 4	62,000
	(y) Equip natural sciences unit 2	500,000
	(z) Equip engineering unit 1	460,000
	Hastings College of the Law:	
	(aa) Equip addition	131,000
	(bb) Equip alterations	18,000
	Total of schedule	8,336,000

Notwithstanding the provisions of Section 2.2 of this act, the amount in this item shall be available for expenditure only during the 1968–69 fiscal year.

327—For capital outlay, University of California, subject to the approval of the State Public Works Board; provided, that grants of money from the federal government become available under the terms of the granting agency and the provisions of Section 16, Budget Act of 1968, thereby releasing an equal amount of state appropriated funds which are hereby reappropriated, in accordance with the following schedule, payable from the Capital Outlay Fund for Public Higher Education— 0 —

Schedule:

	Irvine Campus:	
	(a) Construct natural sciences unit 1 conversion	825,000

Item		Amount
	Los Angeles Campus:	
	(b) Construct old public health building alterations	482,000
	San Diego Campus:	
	(c) Working drawings for fine arts building	181,000
	(d) Working drawings for marine biology instruction and research building — Scripps Institution of Oceanography	113,000
	Santa Barbara Campus:	
	(e) Working drawings for engineering unit 2	147,000
	(f) Working drawings for college of creative studies	69,000
	Santa Cruz Campus:	
	(g) Working drawings for college 6	28,000
	(h) Construct utilities and site development for college 6	409,000
	(i) Construct classroom unit 1	544,000
	Total of schedule	2,798,000
	Less estimated federal reimbursements	2,798,000
	Net appropriation	—0—
328—For capital outlay, University of California, subject to the approval of the State Public Works Board, to be allocated by executive order of the Department of Finance upon agreement between the Department of Finance and the University of California as to the proper scope and estimate of cost of each project in this item, and provided that grants of money from the federal government become available under the terms of the granting agency and the provisions of Section 16, Budget Act of 1968, thereby releasing an equal amount of state appropriated funds which are hereby reappropriated, in accordance with the following schedule, payable from the Capital Outlay Fund for Public Higher Education		—0—
	Schedule:	
	Berkeley Campus:	
	(a) Working drawings for botany plant growth laboratory	30,000

Item		Amount
Los Angeles Campus:		
(b) Working drawings for life sciences 3	132,000	
San Diego Medical:		
(c) Working drawings for clinical science building	321,000	
Total of schedule	483,000	
Less estimated federal reimbursements	483,000	
Net appropriation	—0—	
328.1—For capital outlay, University of California, in accordance with the following schedule, payable from the Capital Outlay Fund for Public Higher Education		3,028,000
Schedule:		
Los Angeles Health Sciences:		
(a) Construct hospital and clinics unit 1 alterations, step 2	3,028,000	
Total of schedule	3,028,000	
provided, that no funds from this appropriation will be available for expenditure until after July 1, 1969.		
329—For capital outlay, Trustees of the California State Colleges, subject to the approval of the State Public Works Board, in accordance with the following schedule, payable from the Capital Outlay Fund for Public Higher Education; provided that withdrawals shall be as required to meet current obligations as certified by the Trustees of the California State Colleges		39,659,300
Schedule:		
Chico State College:		
(a) Construct classroom-office building	2,670,000	
(b) Construct applied arts—unit 2	2,090,000	
(c) Site development—utilities—1968	454,000	
(d) Working drawing for central chiller plant	55,000	
State College, Dominguez Hills:		
(e) Site development—utilities—1968	880,000	

Item		Amount
(f)	Site development—utilities—off site—1968	192,200
(g)	Construct central chiller plant	774,000
	Fresno State College:	
(h)	Construct engineering building addition	1,721,000
	State College at Fullerton:	
(i)	Construct administration-business administration building	4,141,000
(j)	Construct engineering building	2,827,000
(k)	Site development utilities—1968	185,000
(l)	Working drawings for boiler plant addition, phase III	50,000
	State College at Hayward:	
(m)	Construct administration classroom building	3,291,300
(n)	Construct library building	7,545,700
	Humboldt State College:	
(o)	Construct natural resources building	1,374,500
	State College in Kern County:	
(p)	Site development—utilities—1968	454,600
(q)	Site development—utilities—off site—1968	200,000
	State College at Long Beach:	
(r)	Construct lecture classroom building	314,000
(s)	Construct home economics building II	781,000
(t)	Construct drama building	1,859,200
(u)	Site development—utilities—1968	439,800
	State College at Los Angeles:	
(v)	Working drawings for site development—utilities—1968	30,000

Item		Amount
	Sacramento State College:	
	(w) Construct psychology building	1,980,000
	(x) Construct central chiller	1,178,000
	San Bernardino State College:	
	(y) Site development—utilities—1968	800,000
	San Diego State College:	
	(z) Site development—utilities—1968	441,000
	Sonoma State College:	
	(aa) Construct boiler plant—chiller	215,200
	California State Polytechnic College—Kellogg-Voorhis Campus:	
	(bb) Construct agriculture classroom addition	1,609,500
	(cc) Site development—1968	455,500
	(dd) Site development—utilities—1968	514,000
	California State Polytechnic College—San Luis Obispo Campus:	
	(ee) Site development and utilities—1968	136,800
	Total of schedule	39,659,300
330—For project planning, Trustees of the California State Colleges, in accordance with the following schedule, payable from the Capital Outlay Fund for Public Higher Education, and notwithstanding any of the other provisions of Section 2.2 are hereby appropriated for expenditure only during the 1968–69 fiscal year, provided that withdrawals shall be as required to meet current obligations as certified by the Trustees of the California State Colleges		666,000
	Schedule:	
	(a) Project planning for the 1969–70 fiscal year	250,000
	(b) General studies	200,000

Item		Amount
(c) Master planning	216,000	
Total of schedule	666,000	
331—For capital outlay, Trustees of the California State Colleges, to be allocated to the state colleges, in accordance with the following schedule, payable from the Capital Outlay Fund for Public Higher Education; provided, that withdrawals shall be as required to meet current obligations as certified by the individual California state colleges		4,590,000
Schedule:		
Chico State College:		
(a) Equip farm buildings, III	74,100	
State College, Dominguez Hills:		
(b) Equip initial buildings	125,000	
(c) Equip initial physical education facility	27,900	
(d) Equip outdoor physical education, phase I, part I	25,900	
(e) Equip corporation yard	105,400	
State College at Fullerton:		
(f) Equip humanities social science building	362,000	
(g) Equip physical education facility, phase II	73,300	
(h) Equip engineering building, phase II	343,100	
Hayward State College:		
(i) Equip speech drama building	50,000	
(j) Equip science building, phase V	152,100	
(k) Equip classroom building No. 1, phase II	88,100	
Humboldt State College:		
(*l*) Equip biological science addition	108,100	
(m) Equip remodel Founders Hall	49,900	
State College at Long Beach:		
(o) Equip engineering building II	24,700	
(p) Equip industrial arts II	59,000	

Item		Amount
	State College at Los Angeles:	
(q)	Equip library building	394,600
	Sacramento State College:	
(r)	Equip science building, phase III	360,500
	San Bernardino State College:	
(s)	Equip library classroom building	118,900
(t)	Equip biological science building, phase III	168,100
(u)	Equip physical science building, phase III	156,600
	San Diego State College:	
(v)	Equip music classroom building, phase I	239,100
(w)	Equip library classroom building	100,000
	San Francisco State College:	
(x)	Equip complete music speech building	87,200
	San Jose State College:	
(y)	Equip corporation yard	65,000
(z)	Equip science building 2, section I, phase III	324,600
	Sonoma State College:	
(aa)	Equip library building	112,600
(bb)	Equip physical education facilities	111,300
	California State Polytechnic College—Kellogg-Voorhis Campus:	
(cc)	Equip library building	323,300
(dd)	Equip engineering addition, phase V	286,400
	California State Polytechnic College—San Luis Obispo Campus:	
(ee)	Equip biological science addition, phase II	73,200
	Total of schedule	4,590,000

Item		Amount
	Notwithstanding the provisions of Section 2.2 of this act, the amount in this item shall be available for expenditure only during the 1968–69 fiscal year.	
332—For capital outlay, California State Colleges, minor projects, in accordance with the following schedule, payable from the Capital Outlay Fund for Public Higher Education		1,250,000
Schedule:		
(a) Chico State College	52,900	
(b) Fresno State College	113,600	
(c) State College at Fullerton	61,800	
(d) State College at Hayward	110,000	
(e) Humboldt State College	63,400	
(f) State College at Long Beach	142,700	
(g) State College at Los Angeles	21,400	
(h) Sacramento State College	62,600	
(i) San Diego State College	14,400	
(j) San Bernardino State College	25,500	
(k) San Fernando Valley State College	67,400	
(*l*) San Francisco State College	84,500	
(m) San Jose State College	142,600	
(n) Sonoma State College	39,000	
(o) Stanislaus State College	99,800	
(p) California State Polytechnic College—Kellogg-Voorhis Campus	101,000	
(q) California State Polytechnic College—San Luis Obispo Campus	47,400	
Total of schedule	1,250,000	
provided, that no transfers may be made between the items as scheduled in this appropriation.		
333—For capital outlay, Trustees of the California State Colleges, subject to the approval of the State Public Works Board, provided that grants of money from the Federal Government become available under the terms of the granting agency and the provisions of Section 17, Budget Act of 1968, thereby releasing an equal amount of state appropriated funds which are hereby reappropriated, in accordance with the following schedule, payable from the Capital Outlay Fund for Public Higher Education, and be it further provided that no released state funds will be expended on any projects in Group B until the total financing of Group A is accomplished		—0—

Item	Amount
Schedule:	
Group A:	
Chico State College:	
(a) Construct building modernization	468,000
(b) Working drawing for art building	93,000
Fresno State College:	
(c) Working drawing for science building addition	220,000
(d) Working drawings for industrial arts addition	64,000
State College at Fullerton:	
(e) Working drawings for education classroom building	129,000
Humboldt State College:	
(f) Working drawings for library addition	68,400
State College in Kern County:	
(g) Construct initial buildings	1,958,500
State College at Long Beach:	
(h) Working drawings for general classroom and faculty office building	103,000
Sacramento State College:	
(i) Construct remodel speech-drama building II	696,000
San Bernardino State College:	
(j) Construct convert biological science building	192,200
(k) Working drawings for conversion of initial buildings	9,100
San Fernando Valley State College:	
(*l*) Working drawings for education building	138,000
San Francisco State College:	
(m) Construct physical science building	5,934,500
(n) Working drawings for humanities classroom building	214,000

Item		Amount
	San Jose State College:	
(o)	Working drawing for classroom building No. 3	165,000
	Sonoma State College:	
(p)	Working drawings for art building	44,500
	Stanislaus State College:	
(q)	Working drawings for science building	96,000
	California State Polytechnic College—Kellogg-Voorhis Campus:	
(r)	Working drawings for conversion of library building	87,000
	California State Polytechnic College—San Luis Obispo Campus:	
(s)	Working drawings for library building	135,000
(t)	Working drawings for engineering south, phase I	193,000
Group B:		
	State College, Dominguez Hills:	
(u)	Working drawings for theater arts building	77,000
	State College at Long Beach:	
(v)	Working drawings for administration building, phase III	88,000
	State College at Los Angeles:	
(w)	Construct plant growth facility	300,000
(x)	Construct central chiller plant	114,200
(y)	Working drawings for site development—1968	12,000
	San Bernardino State College:	
(z)	Construct cafeteria	1,245,100
	San Francisco State College:	
(aa)	Construct administration addition	3,493,500
	Total of schedule	16,338,000

Item		Amount
Less anticipated federal reimbursements	16,338,000	
Net appropriation	—0—	
334—For capital outlay, California Maritime Academy, in accordance with the following schedule		20,000
Schedule:		
(a) Working drawings for library building	20,000	
Total of schedule	20,000	
335—For capital outlay, California Maritime Academy, minor projects		76,525

HEALTH AND WELFARE

336—For capital outlay, Department of Mental Hygiene, in accordance with the following schedule		2,411,345
Schedule:		
Neuropsychiatric Institute at University of California at Los Angeles:		
(a) Equip mental retardation addition	853,000	
Metropolitan State Hospital:		
(b) Correct fire and life safety deficiencies	295,525	
(c) Air condition 200-bed geriatric ward building	100,325	
Fairview State Hospital:		
(d) Install ventilation system in wards D, E and F	331,795	
Porterville State Hospital:		
(e) Air condition ward buildings, Phase I	1,373,700	
Total of schedule	2,954,345	
Less estimated amounts available from other sources:		
(f) Federal grants — Neuropsychiatric Institute at University of California at Los Angeles	543,000	
Net appropriation	2,411,345	
337—For capital outlay, Department of Mental Hygiene, minor projects		1,294,724

Item		Amount
338—For capital outlay, Department of Rehabilitation, in accordance with the following schedule		1,150
Schedule:		
(a) Minor projects	4,600	
Total of schedule	4,600	
Less amounts available from other sources	3,450	
Net appropriation	1,150	

MILITARY AFFAIRS

339—For capital outlay, Military Department, for project planning, working drawings and supervision of construction financed from federal funds	149,735
340—For capital outlay, Military Department, minor projects	131,700

REGULATION AND LICENSING

342—For capital outlay, Department of Professional and Vocational Standards, minor projects, payable from the Professional and Vocational Standards' Fund	6,250

RESOURCES

343—For capital outlay, Department of Conservation, minor projects		388,686
Notwithstanding the provisions of Section 2.2 of this act, the amount in this item for minor projects shall be available for expenditure during the 1968–69 and 1969–70 fiscal years.		
344—For capital outlay, Department of Conservation, in accordance with the following schedule		426,314
Schedule:		
(a) Land acquisition for Elk Camp Forest Fire Station	8,000	
(b) Land acquisition for Telegraph Hill Lookout	15,000	
(c) Land acquisition for Sierra Vista Lookout	15,000	
(d) Land acquisition for Piedra Forest Fire Station	6,000	
(e) Land acquisition for Etiwanda Forest Fire Station	15,000	

Item		Amount
(f) Construct Klamath Forest Fire Station	120,100	
(g) Equip Klamath Forest Fire Station	2,609	
(h) Construct Robinson Mills Forest Fire Station	209,000	
(i) Equip Robinson Mills Forest Fire Station	5,605	
(j) Land acquisition for Mt. Bullion Youth Conservation Camp	30,000	
Total of schedule	426,314	
345—For capital outlay, Department of Water Resources, minor projects		55,000

TRANSPORTATION

346—For capital outlay, Department of the California Highway Patrol, in accordance with the following schedule, payable from the Motor Vehicle Fund		919,668
Schedule:		
(b) Additional land for parking, Bishop	6,500	
(c) Radio communications equipment—statewide	898,168	
(d) Preliminary planning	15,000	
Total of schedule	919,668	
347—For capital outlay, Department of the California Highway Patrol, minor projects, payable from the Motor Vehicle Fund		160,450
348—For capital outlay, Department of Motor Vehicles, in accordance with the following schedule, payable from the Motor Vehicle Fund		6,277,028
Schedule:		
(b) Working drawings and construction of office building—West Contra Costa County	364,000	
(c) Construction of office building—San Mateo	326,900	
(d) Construction of office building—Inglewood	402,658	
(e) Construction of office building—Hayward	336,850	
(f) Construction of office building—westside office—Los Angeles County—Santa Monica	397,900	

Item		Amount
	(g) Working drawings and construction of office building—Monterey	410,575
	(h) Land acquisition for office building and parking facilities—Bellflower	520,000
	(i) Working drawings and construction of office building and parking facilities—Daly City	454,040
	(j) Construction of office building and parking facilities—Santa Maria	286,000
	(k) Land acquisition for office building and parking facilities—Los Gatos	275,000
	(*l*) Land acquisition for office building and parking facilities—Midway City	225,000
	(m) Land acquisition for office building and parking facilities—San Leandro	420,000
	(n) Land acquisition for office building and parking facilities—Culver City	600,000
	(o) Working drawings and construction of office building and parking facilities—Winnetka	440,240
	(p) Land acquisition for office building and parking facilities—northeast area—Sacramento	260,000
	(q) Land acquisition and working drawings for office building and parking facilities—Redding	90,000
	(r) Construction of additional office building and parking facilities—San Jose	399,865
	(s) Preliminary planning	68,000
	Total of schedule	6,277,028
349—For capital outlay, Department of Motor Vehicles, minor projects, payable from the Motor Vehicle Fund		25,000

VETERANS AFFAIRS

350—For capital outlay, Veterans' Home of California, minor projects	29,600

UNALLOCATED

Item		Amount
351—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, to state agencies		300,000
The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.		
352—For augmentation of, and in accordance with, the provisions of Section 16409 of the Government Code		600,000
353—For miscellaneous repairs, improvements and equipment, to be allocated to state agencies by the Department of Finance, upon approval of the State Public Works Board		50,000
provided, the amount appropriated in this item shall be available only for the 1968–69 fiscal year.		

WILDLIFE CONSERVATION PROGRAM

354—For capital outlay, Department of Fish and Game, payable from the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item. The appropriation made by this item shall be expended in accordance with the following schedule		452,500
Schedule:		
(a) Replacement of patrol boats and purchase of aircraft	450,000	
(b) Preliminary planning — Region II headquarters building	2,500	
Total of schedule	452,500	
355—For capital outlay, Department of Fish and Game, payable from the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item, minor projects		149,100

Item		Amount
356—For capital outlay, Wildlife Conservation Board, Department of Fish and Game, payable from the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item. The appropriation made by this item shall be expended in accordance with the following schedule		1,066,500
Schedule:		
(a) Construct Mad River Hatchery	2,133,000	
Total of schedule	2,133,000	
Less estimated amounts available from other sources:		
(b) Amount payable from the State Beach, Park, Recreational and Historical Facilities Fund (Item 373)	1,066,500	
Net appropriation	1,066,500	

provided, that any moneys received from the federal anadromous fish bill (Public Law 89-304) on behalf of this project shall be deposited to the credit of the Fish and Game Preservation Fund.

PARKS AND RECREATION ACQUISITION AND DEVELOPMENT PROGRAM

357—For capital outlay, Department of Harbors and Watercraft, in accordance with the following schedule, payable from the Harbors and Watercraft Revolving Fund		285,000
Schedule:		
(a) Project planning, Coxo Harbor	240,000	
(b) Preliminary investigations, harbor of refuge — Fort Bragg vicinity	45,000	
Total of schedule	285,000	

provided, that the funds appropriated by (a) above shall be available only after a navigation permit has been issued to the Department of Harbors and Watercraft by the federal government for the Coxo Harbor project.

Item		Amount
358—For capital outlay, Department of Parks and Recreation, in accordance with the following schedule		5,361,645
Schedule:		
(a) Statewide — preliminary planning reservoir development	155,000	
(b) Monterey State Historic Monument, for development	367,000	
(c) San Diego Old Town, for development	350,000	
(d) Pueblo de Los Angeles State Historical Monument, for restoration	750,000	
(e) Doheny State Beach, for development	693,000	
(f) Carpinteria State Beach, for development	775,000	
(g) Oroville Reservoir State Recreation Area—Bidwell Canyon Area—for development	648,645	
(gx) Oroville Reservoir State Recreation Area, Loafer Creek Area—for overnight camping working drawings	80,000	
(h) Oroville Reservoir State Recreation Area—Loafer Creek —for development	777,370	
(i) Clear Lake State Park, for development	123,830	
(j) Sonoma Coast State Beach, for development	523,000	
(jx) San Juan Bautista State Historic Park — restoration of Plaza Hotel	98,800	
(*l*) Benicia State Park, for preliminary plans and working drawings	20,000	
Total of schedule	5,361,645	
358.5—Notwithstanding any other provisions of law, $199,750 of the undisbursed balance of Item 338(w), Budget Act of 1965, is hereby reappropriated for transfer to and in augmentation of Item 358(h), Budget Act of 1968, upon order of the Department of Finance.		
359—For capital outlay, Department of Parks and Recreation, minor projects		555,871

Item		Amount
359.1—For capital outlay, Department of Parks and Recreation, for connecting Avila State Beach sanitary facilities with Avila Sanitary District		65,000
360—For capital outlay, Department of Parks and Recreation, for land acquisition at Frenchman, Antelope and Grizzly Projects from the Department of Water Resources		191,930
provided, that none of the funds appropriated by the item nor any of the lands acquired by the Department of Parks and Recreation shall be used to complete any land exchange with the United States Forest Service until the Department of Parks and Recreation has received legislative approval of a program detailing the proposed land exchanges and the disposal of any state property at Squaw Valley.		
360.1—For capital outlay, Department of Parks and Recreation, for acquisition of school lands at Mount Diablo State Park		320,600
361—For capital outlay, Department of Parks and Recreation, in accordance with the following schedule, payable from the Harbors and Watercraft Revolving Fund		680,950
Schedule:		
(a) Clear Lake State Park, for development of boating facilities	125,000	
(b) Oroville Reservoir State Recreation Area — Spillway Area, for development of boating facilities	156,000	
(c) Angel Island State Park, for development of boating facilities	271,000	
(d) Del Valle Reservoir, for development of boating facilities	128,950	
Total of schedule	680,950	
362—For capital outlay, Department of Parks and Recreation, minor projects, payable from the Harbors and Watercraft Revolving Fund		18,200

OTHER CAPITAL OUTLAY PROGRAMS

366—For land, easements and rights-of-way, including but not limited to, borrow pits, spoil areas and easements for levees, clearing, flood control works and flowage, and for appraisals,

Item		Amount
surveys, and engineering studies necessary for the completion or operation of the following projects in the Sacramento and San Joaquin watersheds as authorized by Section 8617.1, Sections 12648 through 12654, and Sections 12656.5 and 12828 of the Water Code; and for advances to the federal government or payments to the federal government or others for incidental construction or reconstruction items which are an obligation of the state in connection with the completion or operation of the aforesaid projects and for materials and necessary construction, reconstruction, relocation, or alterations to highways, railroads, bridges, powerlines, communication lines, pipelines, irrigation works and other structures and facilities and for appraisals, surveys and engineering studies incident thereto, the Reclamation Board, in accordance with the following schedule ----------		3,339,875
Schedule:		
(a) Sacramento River and Tributaries Flood Control Project ----------	829,282	
(b) San Joaquin River and Tributaries Flood Control Project ----------	408,031	
(c) Fresno River Flood Control Project ----------	218,402	
(d) Chowchilla River Flood Control Project ----------	216,172	
(e) Mormon Slough Flood Control Project ----------	510,020	
(f) Sacramento River Bank Protection Project ----------	1,182,892	
(fx) Unallocated reduction ----	24,924	
Total of schedule -------		3,339,875
Notwithstanding the provisions of Section 2.2 of this act, the amount in this item shall be available for expenditure only during the 1968–69 fiscal year; and provided further, that this item shall be exempt from the provisions of Sections 6, 7, and 8 of this act.		

STATE CONSTRUCTION BOND ACT PROGRAM

SEC. 2.3. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1968–69, 1969–70 and 1970–71 fiscal years for expenditure only for the programs contemplated by the State

Construction Program Bond Act of 1955, the State Construction Program Bond Act of 1958, the State Construction Program Bond Act of 1962 and the State Construction Program Bond Act of 1964. All such appropriations shall be paid out of the State Construction Program Fund.

UNALLOCATED

Item	Amount
368—For augmentation of, and in accordance with, the provisions of Section 16354 of the Government Code	3,000,000

JUNIOR COLLEGE CONSTRUCTION BOND ACT PROGRAM

SEC. 2.4. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1968–69, 1969–70 and 1970–71 fiscal years for expenditure only for the programs contemplated by the Junior College Construction Program Bond Act of 1968. All such appropriations shall be paid out of the State Construction Program Fund.

Item		Amount
369—For capital outlay, Board of Governor's of the California Community Colleges, to be allocated, subject to the prior approval of the State Public Works Board, by the Board of Governor's of the California Community Colleges to the community college districts for expenditure by said community college districts, in accordance with and not to exceed the amounts set forth in the following schedule, payable from the State Construction Program Fund		15,609,533
Schedule:		
Butte Junior College District:		
(a) Land acquisition	155,750	
(b) Campus master planning	29,592	
(c) Equip business and science departments	45,990	
Cabrillo Junior College District:		
(d) Construct utilities extension	14,030	
(e) Construct and equip library mezzanine	15,153	
Cerritos Junior College District:		
(f) Equip library addition	70,970	
(g) Equip classroom building	10,996	

Item		Amount
(h)	Construct site development	36,011
(i)	Construct maintenance addition	43,611
	Chaffey Union Junior College District:	
(j)	Construct library alterations	36,197
(k)	Equip forum and life science building	51,137
	Citrus Junior College District:	
(*l*)	Equip technology B building	173,167
	Contra Costa Junior College District, Diablo Valley Campus:	
(m)	Construct resource materials center	387,109
	Fremont-Newark Junior College District:	
(n)	Land acquisition	563,223
	Gavilan Joint Junior College District:	
(q)	Construct swimming pool	99,008
	Hartnell Joint Junior College District:	
(r)	Construct library stack addition	31,141
(s)	Construct vocational-technical building	402,475
	Imperial Junior College District:	
(t)	Construct multipurpose building completion	91,851
(u)	Construct alterations and relocate agricultural technology building	13,778
	Lassen Junior College District:	
(v)	Construct and equip classroom building	116,541

Item		Amount
	Los Rios Junior College District, Cosumnes Campus:	
(z)	Construct automobile technology building	268,747
(aa)	Construct gymnasium building	275,608
(bb)	Construct library-forum building	457,513
(cc)	Construct powerplant	71,452
(dd)	Construct science building	494,017
(ee)	Construct site development	596,781
(ff)	Construct offsite development	121,905
	Los Rios Junior College District, American River Campus:	
(gg)	Construct library-learning center building	245,049
(hh)	Construct women's physical education building	321,700
	Marin Junior College District:	
(ii)	Construct physical education track facility	137,294
(jj)	Construct Olney Hall alterations	31,297
(kk)	Construct art building alterations	55,815
	Merced Junior College District:	
(*ll*)	Construct art building	457,989
	Mt. San Jacinto Junior College District:	
(mm)	Construct multi-purpose building for drama and music	111,249
(mmx)	Construct and equip library building	225,210
	North Orange County Junior College District, Cypress Campus:	
(nn)	Equip fine arts building	99,756
(oo)	Equip physical education building	13,603

Item	Amount
(pp) Equip library	66,125
(qq) Equip audiovisual department in library	101,919
(rr) Equip technical education building	80,312
Oceanside-Carlsbad Junior College District:	
(ss) Construct women's shower and locker building	83,070
Orange Coast Junior College District, Golden West Campus:	
(tt) Construct communications and forum addition to library	346,201
(uu) Construct gymnasium	657,531
(vv) Construct men's physical education building addition and alteration	116,918
(ww) Construct women's physical education addition	126,744
(xx) Construct science building addition	211,016
(yy) Construct technology building	654,916
Palo Verde Unified School District:	
(zz) Construct and equip administration building	58,380
Redwoods Junior College District:	
(zzx) Construct administration building	513,111
Riverside Junior College District:	
(aaa) Land acquisition	143,962
(bbb) Construct tennis courts	65,231
(ccc) Equip library	53,571
(ddd) Construct music building alterations	21,116
San Bernardino Valley Joint Union Junior College District:	
(eee) Construct humanities and social science building	252,443

Item		Amount
	San Diego Unified School District, San Diego City Campus:	
(fff)	Construct library building and pedestrian bridge	172,536
(ggg)	Construct fine arts building	186,525
	San Diego Unified School District, Mesa Campus:	
(hhh)	Construct student services building addition	17,985
	San Joaquin Delta Junior College District:	
(iii)	Campus master planning and site development	881,129
(jjj)	Offsite development	51,686
	San Jose Junior College District:	
(kkk)	Campus master planning	64,821
	San Jose Junior College District, Milpitas Campus:	
(*lll*)	Land acquisition	93,681
	San Jose Junior College District, Evergreen Campus:	
(mmm)	Land acquisition	42,876
	Santa Ana Junior College District:	
(ooo)	Construct and equip administration building addition and alterations	242,665
(ppp)	Construct and equip women's shower and locker building addition and alterations	48,042
(rrr)	Construct and equip physical education multipurpose building	89,043
	Shasta Joint Junior College District:	
(sss)	Construct and equip library addition	45,265
	Sierra Joint Junior College District:	
(ttt)	Construct music building alterations	112,682

Item	Amount
(uuu) Construct technical education building	498,005
Solano County Junior College District:	
(vvv) Construct science building	529,448
(www) Construct social science building	296,258
Sonoma County Junior College District:	
(xxx) Construct Tauzer Gymnasium alterations	57,504
(yyy) Construct swimming pool and locker building	272,491
State Center Junior College District, Fresno City Campus:	
(zzz) Land acquisition	687,594
(aaaa) Air condition physical education building offices and exercise room	11,495
(bbbb) Air condition vocational technology building offices and classrooms	25,324
(cccc) Construct and equip locker and shower room addition	27,554
(dddd) Construct handball courts	52,024
State Center Junior College District, Reedley Campus:	
(eeee) Construct basketball courts	6,817
(ffff) Construct pedestrian ramp and vehicular overpass	40,946
(gggg) Construct tennis courts	21,838
(hhhh) Construct utilities plant building	26,286
(iiii) Construct site development and utilities for vocational technology buildings	125,208
(jjjj) Construct site development and utilities for outdoor physical education facilities	29,994
(kkkk) Construct off-site development	6,662

Item		Amount
	Sweetwater Junior College District:	
(*llll*)	Construct swimming pool	121,533
(mmmm)	Construct outdoor physical education facilities	80,936
(nnnn)	Construct library addition	22,616
	Yosemite Junior College District, Columbia Campus:	
(oooo)	Construct business education building	39,461
(pppp)	Construct creative arts building	42,280
(qqqq)	Construct general education building	45,099
(rrrr)	Construct learning center building	253,679
(ssss)	Construct lecture-forum building	45,099
(tttt)	Construct science and natural resources building	98,653
(uuuu)	Construct seminar building	22,549
	Yuba Junior College District:	
(vvvv)	Construct and equip library addition	147,963
	Total of schedule	15,609,533

STATE BEACH, PARK, RECREATIONAL AND HISTORICAL FACILITIES BOND ACT PROGRAM

SEC 25. The following sums of money, or so much thereof as may be necessary, unless otherwise provided herein, are hereby appropriated for the 1968–69 fiscal year beginning July 1, 1968, and ending June 30, 1969. All such appropriations, unless otherwise herein provided, shall be paid out of the State Beach, Park, Recreational and Historical Facilities Fund in the State Treasury.

LOCAL ASSISTANCE

Item		Amount
370	For grants to counties, cities or cities and counties pursuant to Section 5096.15(d) of the Public Resources Code, Department of Parks and Recreation, in accordance with the following schedule, payable from the State Beach, Park, Recreational and Historical Facilities Fund	2,290,516

Item	Amount
Schedule:	
(a) County of Kern, Kern River State Park, for development	172,380
(b) County of Kern, Kern Desert Regional Park, for acquisition	82,500
(c) County of Lake, Lake County Community Parks, for development	75,000
(d) Cities of Monterey Park and Montebello, Repetto Regional Park, for acquisition	9,150
(e) City of Santa Monica, Santa Monica State Park, for development	36,387
(f) City of Torrance, Torrance Regional Park, for acquisition	197,000
(g) City of Grass Valley, Condon Park, for development—	37,500
(h) Truckee-Donner Recreation and Park District, Truckee River Regional Park, for development	37,500
(i) County of Orange, University Regional Park, for development	229,500
(j) County of Orange, Villa Park Dam Regional Park, for development	100,000
(k) County of Orange, O'Neill Regional Park, for development	34,500
(*l*) Auburn Area Recreation and Park District, Auburn District Park, for development	40,000
(m) County of Placer, Bear River Inland Fishing Access, for acquisition and development	45,900
(n) County of Placer, Lake Tahoe Beaches, for development	20,000
(o) County of Placer, Lincoln Missile Site, for acquisition and development	20,000
(p) City of Roseville, Strap Ravine Park Extension, for acquisition	40,000

Item		Amount
	(q) County of Riverside, Collis Mayflower Park, for acquisition	71,800
	(r) County of Riverside, Gavilan Hills, Juniper Grove Park, for acquisition	209,875
	(s) County of Riverside, Lewis Ranch Park, for acquisition	115,900
	(t) County of Riverside, Willis Palm Oasis, for acquisition	40,300
	(u) County of Sacramento, American River Parkway, for acquisition	160,222
	(v) County of San Bernardino, Big Morongo Canyon Regional Park, for acquisition	60,000
	(w) County of San Bernardino, Mojave Narrows Regional Park, for development	75,000
	(x) City of Santa Barbara, Las Positas Park, for development	124,000
	(y) County of Santa Barbara, Los Alamos Regional Park, for development	29,150
	(z) City of Riverbank, Jacob Myers Regional Park, for development	29,500
	(aa) City of Oxnard, Petit Regional Park, for acquisition	155,987
	(bb) City of Port Hueneme, Port Hueneme Beach Park, for acquisition	41,465
	Total of schedule	2,290,516
371	—For project review, Department of Parks and Recreation, for purposes set forth in Section 5096.15(d) of the Public Resources Code, payable from the State Beach, Park, Recreational and Historical Facilities Fund	60,546
372	—For grants to counties, cities, or cities and counties pursuant to Section 5096.15(d) of the Public Resources Code, Department of Parks and Recreation, for expenditure during the 1968–69, 1969–70 and 1970–71 fiscal years, in accordance with the following schedule, payable from the State Beach, Park, Recreational and Historical Facilities Fund	1,158,352

Item		Amount
Schedule:		
(a) City of Los Angeles, Sepulveda Dam Recreation Area for development		166,667
(b) County of Sacramento, American River Parkway (East) for acquisition		153,938
(c) County of Tulare, Kings River Park for acquisition		48,618
(d) County of Tulare, Tulare Airpark for acquisition		43,830
(e) County of Ventura, Tapo Canyon Park for acquisition		268,520
(f) City of Oxnard, Petit Regional Park for acquisition		155,987
(g) County of Kern, Kern River State Park for development		165,620
(h) Truckee-Donner Recreation and Park District, Truckee River Regional Park for development		37,500
(i) Project Administration for reimbursement to the Special Deposit Fund, "Land and Water Conservation Trust," of the Department of Parks and Recreation for expenses incurred in the administration of the Land and Water Conservation Fund program, a federal grant program created with the enactment of Public Law 77-578		117,672
Total of schedule		1,158,352

provided, that none of the funds appropriated for the individual projects in this item shall be available for expenditure until the state has been notified in writing by the federal government that the project has been approved and that federal funds are available to the state for expenditure and are deposited to the credit of the State Beach, Park, Recreational, and Historical Facilities Fund, pursuant to Section 5096.26 of the Public Resources Code; provided further, that this appropriation is not to commit the Legislature to the distribution in a similar manner of other Land and Water Conservation Fund grants received from the federal government hereafter.

CAPITAL OUTLAY

Item		Amount
373—For capital outlay, Wildlife Conservation Board, department of Fish and Game, for the purpose of constructing the Mad River Hatchery pursuant to Section 5096.15(c) of the Public Resources Code, for expenditure during the 1968–69, 1969–70, and 1970–71 fiscal years, payable from the State Beach, Park, Recreational and Historical Facilities Fund		1,066,500
374—For capital outlay, Wildlife Conservation Board, Department of Fish and Game pursuant to Section 5096.15(c) of the Public Resources Code, for expenditure during the 1968–69, 1969–70 and 1970–71 fiscal years, in accordance with the following schedule, payable from the State Beach, Park, Recreational and Historical Facilities Fund		778,260
Schedule:		
(a) Land acquisition—Mojave River Wildlife Area	778,260	
Total of schedule	778,260	
provided, that reimbursements from the Federal Land and Water Conservation Fund will be requested; and, if received, will be deposited to the credit of the State Beach, Park, Recreational and Historical Facilities Fund, pursuant to Section 5096.26 of the Public Resources Code.		
375—For capital outlay, Wildlife Conservation Board, Department of Fish and Game for purposes set forth in Section 5096.15(c) of the Public Resources Code, in accordance with the following schedule, payable from the State Beach, Park, Recreational and Historical Facilities Fund		8,000
Schedule:		
(a) For project assistance under provisions of Section 5096.15(c) of the Public Resources Code	8,000	
Total of schedule	8,000	

PARKS AND RECREATION ACQUISITION AND DEVELOPMENT PROGRAM

377—For capital outlay, Department of Parks and Recreation, for purposes set forth in Section 5096.15 of the Public Resources Code, in ac-

Item		Amount
cordance with the following schedule, payable from the State Beach, Park, Recreational and Historical Facilities Fund		613,942
Schedule:		
(a) For project planning under provisions of Section 5096.15(a) of the Public Resources Code	65,351	
(b) For project planning under provisions of Section 5096.15(b) of the Public Resources Code	548,591	
Total of schedule	613,942	
377.1—For capital outlay, Department of Parks and Recreation, for the purposes set forth in Section 5096.15(a) of the Public Resources Code, for expenditure during the 1968–69, 1969–70 and 1970–71 fiscal years, in accordance with the following schedule, payable from the State Beach, Park, Recreational and Historical Facilities Fund		191,000
Schedule:		
(a) Carpinteria State Beach for acquisition	191,000	
Total of schedule	191,000	
378—For capital outlay, Department of Parks and Recreation, for purposes set forth in Section 5096.15(b) of the Public Resources Code, for expenditure during the 1968–69, 1969–70, and 1970–71 fiscal years, in accordance with the following schedule, payable from the State Beach, Park, Recreational and Historical Facilities Fund		415,000
Schedule:		
(a) Old Sacramento, for development	375,000	
(b) San Diego "Old Town", for development	40,000	
Total of schedule	415,000	
378.1—For capital outlay, Department of Parks and Recreation, for purposes set forth in Section 5096.15(a) of the Public Resources Code, to be transferred to and in augmentation of Item 362(b), Budget Act of 1965, payable from the State Beach, Park, Recreational and Historical Facilities Fund		1,042,000
provided, that these funds shall be available only for the Topanga Canyon Project.		

Item		Amount
378.2—For capital outlay, Department of Parks and Recreation, for purposes set forth in Section 5096.15(a) of the Public Resources Code, for expenditure during the 1968–69, 1969–70 and 1970–71 fiscal years, in accordance with the following schedule, payable from the State Beach, Park, Recreational and Historical Facilities Fund		18,000
Schedule:		
(a) Acquisition of powder house of Drum barracks	18,000	
Total of schedule	18,000	
378.3—For capital outlay, Department of Parks and Recreation, for the purposes set forth in Section 5096.15(a) of the Public Resources Code, for expenditure during the 1968–69, 1969–70, and 1970–71 fiscal years, in accordance with the following schedule, payable from the State Beach, Park, Recreational and Historical Facilities Fund		300,000
Schedule:		
(a) Twin Lakes State Beach for acquisition	300,000	
Total of schedule	300,000	
378.6—For capital outlay, Department of Parks and Recreation, for the purposes set forth in Section 5096.15(a) of the Public Resources Code, in accordance with the following schedule, payable from the State Beach, Park, Recreational and Historical Facilities Fund		448,000
Schedule:		
(a) Santa Barbara Royal Presidio for acquisition	448,000	
Total of schedule	448,000	
provided, that none of this appropriation may be expended prior to July 1, 1969.		
378.9—For transfer by the State Controller from Federal Land and Water Conservation Fund money deposited in the State Beach, Park, Recreational and Historical Facilities Fund to the Special Deposit Fund		940,812
together with any other money received in the 1968–69 fiscal year from the federal government and deposited in the State Beach, Park, Recreational and Historical Facilities Bond Fund, pursuant to Section 5096.26 of the Public Resources Code which, in the determination of the Director of Finance, is		

Item	Amount
intended to be allocated to, or expended for, the state park system; provided, that the money so transferred shall be held in trust in the Special Deposit Fund for development of the state park system and shall be available for expenditure only upon appropriation by the Legislature after the Director of Parks and Recreation has submitted a program in the Governor's Budget for expenditure of such money on projects to develop the state park system.	
UNALLOCATED	
379—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, to state agencies, pursuant to Section 5096.15 of the Public Resources Code, for expenditure during the 1968–69, 1969–70 and 1970–71 fiscal years, payable from the State Beach, Park, Recreational and Historical Facilities Fund_ The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.	100,000
REAPPROPRIATIONS	
380—On the effective date of this act, the appropriation for San Diego "Old Town" development made by Item 343.1, Budget Act of 1967, and the appropriation for Drum Barracks acquisition made by Item 343.5, Budget Act of 1967, are hereby reappropriated for the same purposes and in addition shall be available for expenditure during the 1968–69 and 1969–70 fiscal years.	
381—Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of Item 362, Budget Act of 1965, and Items 363A(b), 365(a), 365(c), 365(e), and 365(f), Budget Act of 1965, are reappropriated for the purposes provided for in said appropriations, and shall be available for expenditure until June 30, 1969.	
381.5—Notwithstanding any other provisions of law, the undisbursed balance, on the effective date of this act, of Item 423(t), Budget Act	

of 1966, is reappropriated for the following purpose:

Santa Monica Mountains—land acquisition; provided, that no more than eight million dollars ($8,000,000) shall be available for this project.

The funds which are appropriated by this item for the Santa Monica Mountains project shall be available only for the acquisition of the following real property and acquisition costs incident thereto:

(1) A corridor of land in the Rustic-Sullivan Canyon area between Will Rogers State Historic Park and the proposed county land fill area abutting Mulholland Drive; and

(2) So much of the Trippet Ranch area as the remainder of the funds will purchase; provided, that none of the funds which are appropriated by this item for the Santa Monica Mountains project shall be available for expenditure unless and until this project is recommended by the State Park and Recreation Commission and approved by the Administrator of Resources.

GENERAL SECTIONS

SEC. 4.5. Subject to the provisions of this act, any appropriation for expenditure under this act during the 1968–69 fiscal year, may, with the approval of the Department of Finance, be encumbered prior to July 1, 1968, by incurring obligations to be paid after June 30, 1968.

SEC. 5. Because it is necessary to insure the availability of adequate equipment for physical facilities constructed for the operation of custodial, mental health, educational, administrative, military, and other agencies of the state government; because uncertainties as to completion dates make precise advance planning of equipment purchases impossible; and since delivery of some kinds of equipment cannot be made for six months or longer from the date of ordering; state agencies are therefore authorized to incur obligations, to be met during the 1969–70 fiscal year, for the purchase of equipment related to capital outlay projects for which the Legislature has appropriated construction funds; provided, that no obligation shall be incurred under the provisions of this section without the approval of the Department of Finance and the State Public Works Board. Purchase orders issued and contracts entered into under the provisions of this section shall not exceed a total of one million five hundred thousand dollars ($1,500,000) in estimated cost.

SEC. 6. Any project, except minor projects, included in any appropriation made herein for capital outlay shall be

subject to the provisions of Section 15790 of the Government Code.

SEC. 7. Any acquisition of land or other real property included in any appropriation made herein for capital outlay except appropriations from the California Water Fund or the State Highway Fund or appropriations to the Board of Governors of the California Community Colleges for allocation to the community college districts shall be subject to the provisions of the Property Acquisition Law.

Nothing contained in this section shall be construed to limit or control the Regents of the University of California in the expenditure of funds appropriated for acquisition of land or other real property for the use, development or enlargement of the University of California.

All property acquisitions, notwithstanding other exemptions of this section, shall be reported to the State Public Works Board.

SEC. 8. No money appropriated herein in any item for capital outlay may be expended by any state agency except amounts for acquisition of land or other real property, amount needed for equipment, amounts appropriated specifically for preliminary surveys, studies and planning and minor projects until the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such time of appropriation for capital outlay; provided further, no major project for which appropriation is made hereunder regarding which the Director of Finance or his authorized representative requests review of working plans shall be put out to bid until the working plans therefor have been approved by the Department of Finance; provided further, that no money appropriated herein may be spent for working drawings for any project as to which there has been made substantial change or changes from the preliminary plans as approved by the State Public Works Board and the Department of Finance unless there has first been obtained the approval of the Department of Finance to make such change or changes; provided further, that no money appropriated herein may be spent for equipment until prior approval for purchase of such equipment shall have been given by the Department of Finance.

Nothing in this section shall be construed to limit or control the Department of Public Works in the expenditure of State Highway Fund money appropriated for capital outlay purposes.

The Department of Public Works shall report to the State Public Works Board the expenditures for capital outlay, except minor projects, from appropriations contained in this act.

SEC. 8.5. In making appropriations to state agencies which are eligible for federal assistance programs for capital outlay purposes it is the intent and understanding of the Legislature

that applications made by such agencies for federal funds under any such programs shall be for the maximum amount allowable under federal law.

SEC. 9. Notwithstanding any other provision of law, the portion of each sum of money heretofore appropriated or allocated, hereby appropriated or hereafter allocated to the Regents of the University of California for capital outlay which remains after the purpose for which each said sum was appropriated or allocated has been accomplished, and which have been or hereafter are withdrawn from the State Treasury by the Regents of the University of California pursuant to the provisions of Section 23201 of the Education Code, together with increments, by way of interest or otherwise, on any such appropriation or allocations, shall be used and expended by the Regents of the University of California in executing and furthering the building and improvement program of the University of California; provided, that no such sums shall be allocated by the Regents of the University of California to projects for the purpose of augmenting those projects without prior approval of the State Public Works Board of the requested augmentations. Such sums shall be available for expenditure in payment of any encumbrances heretofore or hereafter incurred without regard to fiscal years; provided, however, that any unencumbered balances existing as of the date on which each such appropriation or allocation otherwise would lapse, shall then revert.

SEC. 9.5. If the Department of Finance finds and determines that the University of California has expended or encumbered funds not specifically reviewed in this act by the Legislature for acquisition of real property, it shall reduce, by an identical amount, a capital outlay item or items herein appropriated to the university.

A report shall be submitted to the State Public Works Board of any allocations made by the Regents of the University of California pursuant to the provisions of this section.

SEC. 10. Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes provided for in said appropriations, and shall be available for expenditure until June 30, 1969:

Department of Finance:
Item 446.7, Budget Act of 1958
Department of Agriculture:
California Museum of Science and Industry,
Item 361.1 and Item 361.2, Budget Act of 1956
Department of the Youth Authority:
Item 348(m), Budget Act of 1965
Item 348.1(c), Budget Act of 1965
University of California:
Item 361(fff), Budget Act of 1962
Item 376(hhh), Budget Act of 1963

	Amount
Item 348(k), Budget Act of 1964	
Item 348(ddd), Budget Act of 1964	
Item 348(zzz), Budget Act of 1964	
Item 349(oo), Budget Act of 1965	
Item 349.1(a), Budget Act of 1965	
Item 349.2(g), Budget Act of 1965	
State Colleges:	
State College, Dominguez Hills	
Item 377(a), Budget Act of 1962	
Item 354(e), Budget Act of 1964	
Item 354(f), Budget Act of 1964	
Item 354(g), Budget Act of 1964	
Item 354(h), Budget Act of 1964	
State College at Hayward	
Item 353(*l*), Budget Act of 1964	
Item 352(q), Budget Act of 1965	
Humboldt State College	
Item 381(b), Budget Act of 1963	
State College at Los Angeles	
Item 353(x), Budget Act of 1964	
Item 352(aa), Budget Act of 1965	
Item 340(o), Budget Act of 1967	
State College at San Bernardino	
Item 352 (*ll*), Budget Act of 1965	
Item 352(pp), Budget Act of 1965	
San Francisco State College	
Item 352(wwx), Budget Act of 1965	
San Jose State College	
Item 352.1(b), Budget Act of 1965	
Item 353(c), Budget Act of 1965	
Item 352.2(j), Budget Act of 1965	
Department of Conservation:	
Item 383(c), Budget Act of 1961	
Item 343(b), Budget Act of 1962	
Item 359(c), Budget Act of 1963	
Item 324(b), Budget Act of 1964	
Item 366(u), Budget Act of 1964	124,774
for Tamarack Camp	
Item 366(v), Budget Act of 1964	72,728
for Tamarack Camp	
Item 336(b), Budget Act of 1965	
Item 336(c), Budget Act of 1965	
Item 357(c), Budget Act of 1965	560,000
for Tamarack Camp	
Item 357(d), Budget Act of 1965	114,711
for Tamarack Camp	
Item 357(*l*), Budget Act of 1965	
Item 357(j), Budget Act of 1965	
Item 357(k), Budget Act of 1965	
Item 357(m), Budget Act of 1965	

	Amount
Department of Harbors and Watercraft:	
Item 288, Budget Act of 1967	178,000
Department of Parks and Recreation:	
Item 339(e), Budget Act of 1961	
Item 345(b), Budget Act of 1962	
Item 361(a), Budget Act of 1963	
Item 406.8(a), Budget Act of 1963	
Item 406.8(f), Budget Act of 1963	
Item 406.8(q), Budget Act of 1963	
Item 406.8(r), Budget Act of 1963	
Item 406.8(v), Budget Act of 1963	
Chapter 1758, Statutes of 1963	
Item 326(a), Budget Act of 1964	
Item 338(a), Budget Act of 1965	
Item 338(cc), Budget Act of 1965	
Item 338(ff), Budget Act of 1965	
Department of Motor Vehicles:	
Item 333(i), Budget Act of 1965	
Item 333(j), Budget Act of 1965	
Item 333(k), Budget Act of 1965	

SEC. 10.1. As of June 30, 1968, the unexpended balance of the appropriation made by Item 254, Budget Act of 1967, shall revert to the unappropriated balance of the General Fund

As of July 1, 1968, the amount reverted as of June 30, 1968, for Item 254, Budget Act of 1967, is reappropriated and shall be available until June 30, 1969, and may be expended on written authorization of the Department of Finance issued on or before said date, for emergencies, within the meaning of said item, occurring during the 1967–68 fiscal year.

SEC. 10.2. The unencumbered balance of the appropriations made by Section 10.1, Budget Act of 1963 as reappropriated by Section 10.1, Budget Act of 1965, is hereby reappropriated without regard to fiscal years, to the California State Exposition and Fair Executive Committee, for support, grants, construction and improvements under the California Exposition and Fair Law, and repayment of the principal and interest covering the loan to the State Fair Fund authorized by Item 50 of this act; and in addition, any proceeds from the sale of the property described in Section 2 of Chapter 1071, Statutes of 1957, which may hereafter be credited to said appropriation pursuant to Section 2 of said Chapter 1071, are hereby appropriated, without regard to fiscal years, to the California State Exposition and Fair Executive Committee for the purposes provided in this section.

SEC. 10.3. On the effective date of this act, $44,000 of the appropriation made by Item 311, Budget Act of 1967, is reappropriated for the same purpose and shall be available until June 30, 1969.

SEC. 10.4. On the effective date of this act, $50,000 of the appropriation made by Item 349 (ggg), Budget Act of 1965, is

reappropriated for the same purpose and shall be available until June 30, 1969.

SEC. 10.5. The unexpended balance, on the effective date of this act, of the appropriation made by Item 409(j), Budget Act of 1966, construct air conditioning—classroom building No. 2, California State College at Los Angeles is reappropriated for the purpose of constructing Phase I of a Southwest Campus chiller plant, California State College at Los Angeles.

SEC. 10.6. The unexpended balance of the appropriation made by Item 391.1(c), Budget Act of 1962 and reappropriated by Section 10.5, Budget Act of 1965 and Section 10, Budget Act of 1966, is hereby reappropriated for the same purpose; and in addition, shall be available for construction of street improvements including sidewalk, curb and gutter on the west side of Grant Street, City of Concord, County of Contra Costa, adjacent to the Multipurpose Center for the Mentally Retarded, and which is off state property.

SEC. 10.7. The unexpended balance, on the effective date of this act, of the appropriation made by Section 4, Chapter 69, Statutes of 1964, First Extraordinary Session, is reappropriated for the same purpose.

SEC. 10.8. The unexpended balance, on the effective date of this act, of the appropriation made by Item 338(s), Budget Act of 1965, is reappropriated for the same purpose, and shall be available until June 30, 1969; and, in addition, shall be available for expenditure for day use and restoration at Marshall Gold Discovery State Historical Park.

SEC. 10.9. On the effective date of this act, the unencumbered balance of the appropriation made by Item 251, Budget Act of 1967, is hereby reappropriated for the purposes set forth in that item and shall be available for expenditure until March 31, 1969.

SEC. 10.10. On the effective date of this act, $10,500 of the appropriation made by Item 125(b), Budget Act of 1966, is reappropriated for the same purpose and shall be available until June 30, 1969.

SEC. 11. As of June 30, 1968, the unencumbered balance of the appropriations, provided in the following citations shall revert to the unappropriated balance of the General Fund:

Department of General Services:
Item 367(k), Budget Act of 1966
Department of Corrections:
Chapter 1240, Statutes of 1965
Item 370(a), Budget Act of 1966
Department of Education:
Item 56.5, Budget Act of 1963, Chapter 8, Statutes of 1963 (1st Extraordinary Session)
California School for the Blind
Item 372(a), Budget Act of 1966
Department of Housing and Community Development:
Chapter 1222, Statutes of 1965

Health and Welfare Agency:
Chapter 1244, Statutes of 1965
Department of Industrial Relations:
Chapter 1592, Statutes of 1967
Department of Conservation:
Item 386(i), Budget Act of 1966
Item 386(j), Budget Act of 1966
Department of Parks and Recreation:
Chapter 112, Statutes of 1946 (First Extraordinary Session)
Item 398(*l*), Budget Act of 1966
Item 398(n), Budget Act of 1966
State Water Resources Control Board:
Chapter 1351, Statutes of 1965
Lake Tahoe Joint Study Committee:
Chapter 1231, Statutes of 1965

SEC. 11.1. As of June 30, 1968, the amounts set forth opposite the appropriations provided in the following citations shall revert to the unappropriated balance of the General Fund:

	Amount
California Council on Criminal Justice	
Chapter 1661, Statutes of 1967	25,000
Department of Conservation:	
Item 386(b), Budget Act of 1966	11,049
Item 386(m), Budget Act of 1966	589,724
Department of Parks and Recreation:	
Item 398(y), Budget Act of 1966	1,234,369
Item 398(ee), Budget Act of 1966	114,380
provided, that it is the intent of the Legislature that $65,000 of Item 398(ee), Budget Act of 1966, shall not revert and shall remain available for Bidwell Mansion.	
Item 398.1, Budget Act of 1966	22,500

SEC. 11.2. As of June 30, 1968, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated balance of the State Construction Program Fund:
Department of Corrections:
Item 401(h), Budget Act of 1966
Department of the Youth Authority:
Item 402(a), Budget Act of 1966
Item 402(b), Budget Act of 1966
Department of Mental Hygiene:
Item 411(a), Budget Act of 1966
Department of Rehabilitation:
Item 414(a), Budget Act of 1966
Department of Conservation:
Item 415(f), Budget Act of 1966

SEC. 11.3. As of June 30, 1968 the amount of $75,150 of the appropriation made by Item 311, Budget Act of 1967, shall revert to the unappropriated balance of the Capital Outlay Fund for Public Higher Education.

SEC. 12. All amounts which for the 1968–69 fiscal year will be in excess of 1 percent of the total apportionment from the State School Fund in the preceding fiscal year for the purposes set forth in Sections 17303 and 17303.5 of the Education Code, and which will not be required to be transferred to the State School Fund under subdivision (c) of Section 17301 of the Education Code, shall revert to the General Fund on June 30, 1969, and shall be available for any appropriations made from that fund.

SEC. 16. The University of California having made applications for federal grant funds which would reimburse in whole or in part any appropriation made by Items 324 and 325, Budget Act of 1968, any state-appropriated funds thereby released, equal in amount to federal grants made to any project in Items 324 and 325, Budget Act of 1968, notwithstanding any other provisions of law, may be used as a source of funding for Items 327 and 328, Budget Act of 1968 and provided that any state funds released by federal grants in excess of those needed for Items 327 and 328, Budget Act of 1968 shall revert to the unappropriated balance of the Capital Outlay Fund for Public Higher Education.

SEC. 17. The Trustees of the California State Colleges having made applications for federal grant funds which would reimburse in whole or in part any appropriation made by Item 329, Budget Act of 1968, any state-appropriated funds thereby released, equal in amount to federal grants made to any project in Item 329, Budget Act of 1968, notwithstanding any other provisions of law, may be used as a source of funding for Item 333, Budget Act of 1968 and provided that any state funds released by federal grants in excess of those needed for Item 333, Budget Act of 1968 shall revert to the unappropriated balance of the Capital Outlay Fund for Public Higher Education.

SEC. 18. The Director of Finance may direct the transfer of such unexpended balances of appropriations and of other funds available for use in connection with any function or agency affected by a reorganization plan submitted to the Legislature pursuant to Article 7 (commencing with Section 12070) of Chapter 1, Part 2, Division 3, Title 2 of the Government Code when the plan becomes effective pursuant to Section 12075 of the Government Code, as he deems necessary by reason of the reorganization, for use in connection with the functions affected by the reorganization, or for the use of the agency which has such functions after the reorganization plan is effective, provided that unexpended balances so transferred shall be used only for the purpose for which the appropriation was originally made.

SEC. 18.5. Notwithstanding any other provisions of this act, the Director of Finance may from time to time direct that any appropriation made in Section 2.2 of this act shall be payable from the General Fund instead of the Capital Outlay Fund for Public Higher Education.

SEC. 18.7. Where the estimate for any capital outlay project described in any item of this act for which money is appropriated by this act from the Capital Outlay Fund for Public Higher Education, exceeds the amount appropriated in such item or the bids received therefor are in excess of the estimate, there is hereby appropriated from such fund, in augmentation of the amount appropriated by such item for the specific purpose set forth in that item, an amount sufficient to provide for the payment of such capital outlay project, which amount may be expended with the approval of the State Public Works Board, provided further that the unexpended balance in any appropriation heretofore or hereafter made payable from the Capital Outlay Fund for Public Higher Education which the Director of Finance, with the approval of the Public Works Board, determines not to be required for expenditure pursuant to the appropriation, may be transferred on order of the Director of Finance to the unappropriated surplus of the Capital Outlay Fund for Public Higher Education.

STATE HIGHER EDUCATION CONSTRUCTION BOND ACT PROGRAM

SEC. 18.8. Where the estimate for any capital outlay project contemplated by the State Higher Education Construction Program Bond Act of 1966 and appropriated in the 1966 and 1967 Budget Acts from the State Construction Program Fund, exceeds the amount appropriated in such item or the bids received therefor are in excess of the estimate, there is hereby appropriated from such fund, in augmentation of the amount appropriated by such item for the specific purpose set forth in that item, an amount sufficient to provide for the payment of such capital outlay project, which amount may be expended with the approval of the State Public Works Board, provided further that the unexpended balance in any appropriation within the program of the State Higher Education Construction Program Bond Act of 1966, heretofore or hereafter made payable from the State Construction Program Fund which the Director of Finance, with the approval of the Public Works Board, determines not to be required for expenditure pursuant to the appropriation, may be transferred on order of the Director of Finance to the unappropriated surplus of the State Construction Program Fund.

GENERAL SECTIONS

SEC. 18.9. The sum of $72,446,091 of the $90,000,000 reserved by Section 153 of Chapter 963, Statutes of 1967, is appropriated together with other funds available therefor, for the purposes of capital outlay under items contained within Section 2.2 of this act, including, but not limited to, Item 321 of this act.

SEC. 18.10. The unappropriated balance of the $90,000,000 in revenues made available by Section 153, Chapter 963,

Statutes of 1967, for capital outlay purposes, as of June 30, 1969, is appropriated for all General Fund purposes and shall be transferred to the General Fund on June 30, 1969.

SEC. 19. On or before September 30, 1968, the State Controller shall transfer to the General Fund any amount of surplus and working capital advances in the Service Revolving Fund for the Office of State Printing which totals in excess of $6,472,197 as of June 30, 1968.

No machinery or equipment shall be purchased by or for the Office of State Printing except as provided for in this act and for emergency replacements which shall be reported to the Joint Legislative Budget Committee quarterly.

No augmentation shall be made to the capital of the Service Revolving Fund for the benefit of the Office of State Printing during the 1968–69 fiscal year except as specifically provided for in this act.

Any proposed capital addition to the Service Revolving Fund for the benefit of the Office of State Printing for the 1969–70 fiscal year shall be included in the proposed budget for that fiscal year as an appropriation out of the General Fund.

SEC. 19.1. The unencumbered balance of the Department of Employment Contingent Fund, which at any time during the 1968–69 fiscal year exceeds $1,000,000, is hereby appropriated for transfer to the General Fund; such transfer to be made from time to time by the State Controller.

SEC. 19.6. Since the State Scholarship Commission must announce in the spring of 1969, those individuals to whom state scholarship awards and graduate fellowship awards will be granted for the following fall semester of 1969 and, since the Budget Act of 1969 may not be enacted in adequate time, the State Scholarship Commission is authorized to incur scholarship obligations and graduate fellowship obligations for the maximum number of awards authorized by Sections 31204 and 31240 of the Education Code in an amount not to exceed $11,000,000 during the 1968–69 fiscal year for awards to be in effect during the 1969–70 fiscal year.

The intent of this authorization is to prevent the occurrence of there being insufficient funds available to support state scholarships and graduate fellowships, the recipients of which have already been notified of their award. It is necessary that the State Scholarship Commission announce awards in the spring of each year, often prior to the time the Budget Bill containing the appropriation for this purpose is enacted, in order that students receiving the scholarship awards may have sufficient time to plan for entering or returning to school the following fall.

SEC. 20. No money appropriated by this act shall be used to pay the salary of any authorized state position, which position was vacant and had been vacant or continuously unfilled during the period between October 1, 1967, and July 1, 1968,

except with the specific approval of the Department of Finance, subsequent to July 1, 1968.

The Department of Finance, not later than 30 days prior to the convening of the 1969 Regular Session of the Legislature, shall furnish the Joint Legislative Budget Committee a report of all positions as of July 1, 1968, which were vacant or continuously unfilled during the period between October 1, 1967, and July 1, 1968, and a report of all authorizations to fill vacant positions and all positions abolished pursuant to this section.

SEC. 20.1. Notwithstanding any other provision of law, expenditures under Item 12, of this act or under any appropriation in augmentation of such item for other than salaries and wages, shall be approved in such manner as the Joint Committee on Legislative Organization directs and shall be exempt from the provisions of Section 13320 of, and Chapter 6 (commencing with Section 14780) of Part 5.5 of Division 3 of Title 2 of, the Government Code and Sections 6, 8, and 25 of this act.

SEC. 21. Since it is imperative for the university and the state colleges to recruit adequate and competent faculty necessary to maintain the current academic standards and to meet the immediately foreseeable needs occasioned by the rapid growth of enrollment during the years just ahead, and since, by the nature of their duties, faculty members must as a rule be employed on an academic year basis therefore, the University of California and the California State Colleges are authorized to incur salary obligations in an amount not to exceed $1,500,000 for the university and a total of $1,500,000 for the state colleges by appointment of academic staff members during the 1968–69 fiscal year for services beginning in the 1969–70 academic year.

The intent of this authorization is to assist California's institutions of higher education in their continuing effort to recruit the best qualified faculty members possible by authorizing them to make firm employment offers in advance of specific legislative position authorization.

SEC. 21.2. Since newly appointed faculty members of the California State Colleges who are recruited from other states ordinarily move to the state college to which they were appointed during the fiscal year following the acceptance of such appointment, the California State Colleges are authorized to incur obligations to pay the travel and moving expenses of such newly appointed faculty members in an aggregate amount not to exceed $100,000, by appointments and authorizations during the 1968–69 and 1969–70 fiscal years, to pay such travel and moving expenses during the 1969–70 fiscal year.

SEC. 21.3. Since it is imperative for the Department of the California Highway Patrol to purchase special service automobiles in order to adequately patrol the highways of this state and since such automobiles can be purchased more ef-

fectively and economically on an annual basis with relation to the model year, which so-called year bridges two fiscal years, the Department of the California Highway Patrol is authorized to incur automotive equipment purchase obligations in an amount not to exceed $1,500,000 during the 1968–69 fiscal year for delivery beginning in the 1969–70 fiscal year, and the sum of $1,500,000 is hereby appropriated from the Motor Vehicle Fund to the Department of the California Highway Patrol. This appropriation shall be available until July 1, 1969.

SEC. 22. No purchase order for acquisition or replacement of motor vehicles shall be issued against any appropriation made herein until the Department of Finance has investigated and established the necessity therefor.

All passenger-type motor vehicles purchased from any appropriation made by this act for the use of state employees and officers, except constitutional officers, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements, such as use by the California Highway Patrol, which would justify the need for an automobile of a heavier class.

SEC. 23. All passenger-type motor vehicles purchased either from any appropriation made by this act or from any other appropriation available therefor for the use of the Department of Public Works, except for use of officers excepted in Section 22 of this act, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements which would justify the need for an automobile of a heavier class.

SEC. 24. None of the moneys appropriated by this act or for an expenditure which is supplemented from money appropriated by this act shall be used to purchase furnishings for any house or apartment of three or more rooms other than a dormitory which is rented to a state employee except for a superintendent of an institution, warden of a prison, or physicians. This provision shall not apply to the purchase of refrigerators, heaters, air-conditioning equipment, stoves, linoleum, or equipment normally furnished in construction of the house as may be determined by the State Board of Control. Any such funds that are appropriated by this act for this purpose shall be held intact and be reverted to the fund from which they were appropriated. It is the intent of the Legislature that no money shall be appropriated henceforth for the purpose of house furnishings Such furnishings are not to be provided by the state nor shall any money be paid from this appropriation for their replacement, repair or otherwise except in connection with the disposal of the same.

SEC. 25. No moneys appropriated by this act shall be used, either directly or by supplementing any other appropriation, to purchase rugs or carpets for any state office except for offices used by elective officers, the President of the University of

California, a Chancellor of the University of California, the Chancellor of the California State Colleges or a President of a State College, and other department heads. The Director of Finance shall furnish a detailed report annually to the Joint Legislative Budget Committee of all rugs or carpets purchased for state offices under this section.

The Director of Finance may authorize the use of carpeting in other facilities or areas under the control of agencies financed by this act not sooner than 30 days after notification in writing of the proposal with justification therefor to the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of said committee or his designee, may in each instance determine.

SEC. 26. Whenever herein an appropriation is made for support it shall include salaries and all other proper expenses, including repairs and equipment, incurred in connection with the institution, department, board, bureau, commission, officer, employee, or other agency, for which such appropriation is made.

Whenever herein an appropriation is made for capital outlay, it shall include acquisition of land or other real property, major construction, improvements, equipment, designs, working plans, specifications, repairs and equipment necessary in connection with a construction or improvement project.

Whenever herein any item of appropriation contains provision for acquisition of land or other real property, it shall include all necessary expenses in connection with the acquisition of such property.

Whenever herein an appropriation is made in accordance with a schedule set forth after such appropriation, the expenditures from such item for each category or project included in the schedule shall be limited to the amount specified for such category or project, except as otherwise provided in this act. Each such schedule is a restriction or limitation upon the expenditure of the respective appropriation made by this act, does not itself appropriate any money, and is not itself an item of appropriation.

As used in this act in reference to such schedules "category" or "project" means a class of expenditures such as, but not limited to:

(a) "Personal services" which shall include all expenditures for payment of officers and employees of the state; including salaries and wages, workmen's compensation, insurance premiums for workmen's compensation coverage, the state's contributions to the Employees' Retirement Fund, the Teachers' Retirement Fund, the Old Age and Survivors' Insurance Revolving Fund, the State Employees' Contingency Reserve Fund, and the state's cost of a basic health benefits plan; but do not include compensation of independent contractors rendering personal services to the state under contract, or payments into a private fund as authorized by Section 18853.5 of the Government Code;

(b) "Operating expenses and equipment" which shall include all expenditures for purchase of materials, supplies, equipment, services (other than services of state officers and employees), and all other proper expenses;

(c) "Construct" or "construction" when used in connection with a capital outlay project shall include all such related things as fixtures, installed equipment, and auxiliary facilities;

(d) "Working drawings" are defined as a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering, and landscaping systems to the degree necessary for the purposes of accurate bidding by contractors and for the use of artisans in constructing the project. All necessary professional fees and administrative service costs are included in the preparation of such drawings.

(e) "Minor projects" include construction, improvements, repairs and equipment projects not specifically set forth in the schedule

For the purpose of further interpreting the meaning of the words, terms and phrases used in such schedules, reference is hereby made to those documents entitled, "State of California Support and Local Assistant Budget for the Fiscal Year July 1, 1968, to June 30, 1969," and "State of California Capital Outlay Budget for the Fiscal Year July 1, 1968, to June 30, 1969," submitted by the Governor to the Legislature at the 1968 Regular Session, the uniform accounting system prescribed by the Department of General Services under the provisions of Section 13290 of the Government Code, and the appropriate portions thereof. The State Board of Control shall establish such interpretations as are necessary to carry out the provisions of this section and shall furnish the same to the State Controller and to every state agency to whom appropriations are made under this act.

SEC. 26.5. Whenever herein an appropriation is made for support or other expenses for an institution, department, board, bureau, commission, officer, employee, or other agency, there shall be charged to such appropriation from which salaries and wages are paid: workmen's compensation, the state's contribution to the Public Employees' Retirement Fund as provided by Sections 20751 and 20752 of the Government Code, the state's contribution to the Teachers' Permanent Fund and the Retirement Annuity Fund as provided by Sections 14209 and 14210 of the Education Code, the state's contribution to the Old Age and Survivors' Insurance Revolving Fund as provided by Sections 20782 and 20783 of the Government Code, the state's contribution to the State Employees' Contingency Reserve Fund and the state's contribution for the cost of a basic health benefits plan as provided by Sections 22828 and 22829 of the Government Code.

As of the effective date of this act, the state's contributions as provided by Sections 22828 and 22829 of the Government

Code for any month shall be charged to the same appropriations used for payment of salaries and wages from which the employee premium contributions for such month are deducted.

The appropriations made by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, by Sections 14209 and 14210 of the Education Code, shall continue to be available for expenditure, and shall be charged for any expenditure which is not chargeable to an appropriation for support or other expenses as provided in this section.

The State Controller may transfer to the State Payroll Revolving Fund the contributions required by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, and upon certification by the Board of Administration of the Public Employees' Retirement System in accordance with Sections 20754 and 20784 of the Government Code, may transfer from the State Payroll Revolving Fund to the Public Employees' Retirement Fund and the Old Age and Survivors' Insurance Revolving Fund the amounts of contributions so certified.

SEC. 27. The Director of Finance may, pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for a category or project designated in any schedule set forth for such appropriation by transfer from any of the other designated categories or projects within the same schedule. The Director of Finance shall furnish the Joint Legislative Budget Committee a report on all authorizations given pursuant to this section during the preceding quarter.

SEC. 28. The Director of Finance may authorize the augmentation of the amount available for expenditure for any category in the schedule set forth for any appropriation in this act or any additional category in the amount of any funds which he estimates will be received by an officer, department, division, bureau, or other agency during the 1968–69 fiscal year from any other state agency, from any agency of local government or the federal government, from any appropriation made by the Legislature or from any other source which he determines has not been taken into consideration in said schedule, or is in excess of the amount so taken into consideration, except that the director may authorize expenditures for a new program not identified in the budget as such or for purposes which in his judgment constitute an increase in the level of services above that authorized by the Budget Act or other existing law not sooner than 30 days after notification in writing of the necessity therefor to the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of said committee, or his designee, may in each instance determine.

The Director of Finance may also reduce any category whenever he determines that funds to be received will be less than the amount taken into consideration in the schedule.

SEC. 28.5. Approvals by the Department of Finance to the creation of deficiencies pursuant to Section 11006 of the Government Code and approvals to expend at rates which, in the opinion of the Director of Finance, will require a deficiency appropriation shall be made in writing and filed with the Joint Legislative Budget Committee within 10 days after approval stating the reasons for and amount of such authorization.

SEC. 29. Premiums for official bonds may be paid out of appropriations contained in this act, notwithstanding the period covered by such bonds.

SEC. 30. Whenever an expenditure is authorized from the Emergency Fund, from price increase funds, from the salary increase funds, or from a special fund pursuant to Section 11006 of the Government Code, in addition to an appropriation made by this act, such authorized expenditures may, for accounting purposes, be deemed to be an augmentation and increase of the appropriation made by this act.

SEC. 31. The appropriations under this act, unless otherwise provided, shall be subject to the provisions of Section 13320 of the Government Code requiring expenditures to be made in accordance with the allotments and other provisions of fiscal year budgets approved by the Department of Finance.

The fiscal year budget shall authorize in such manner as the Department of Finance shall prescribe all established positions whose continuance for the year is approved and all new positions. No new positions or change in grade or class of an existing position shall be established unless authorized by the Department of Finance on the basis of work program and organization.

Each fiscal year budget shall provide for a salary savings reserve to which shall be transferred on a document initiated by the agency and submitted to the Department of Finance the unencumbered balance remaining in each allotment for salaries and wages at the close of each quarter or other period of time covered by the allotment. The unencumbered balance remaining in each budget allotment for salaries and wages shall be computed by deducting from the amount of the allotment the expenditures and accrued obligations for salaries and wages chargeable to such allotment for the period covered thereby. The amount in the salary savings reserve shall not be available for expenditure except upon transfer to allotments for salaries and wages approved by the Department of Finance. Such transfer shall be approved only after it has been demonstrated to the satisfaction of the Department of Finance that the allotment to be augmented is insufficient to meet necessary expenditures for salaries and wages.

No money in any salary savings reserve may be expended to pay increases in salary ranges established after July 1, 1967, unless the Department of Finance certifies to the State Personnel Board, or other salary-fixing authority, prior to the adoption of such increased salary range that funds will be

made available to pay the increased salaries resulting therefrom. Provided, that the provisions of this paragraph shall not apply to salaries fixed by the State Personnel Board based on prevailing rates pursuant to Government Code Section 18853.

A certification on a payroll claim that expenditures therein are in accordance with current budgetary provisions as approved by the Department of Finance shall be sufficient evidence to the State Controller that such expenditures comply with the provisions of this section.

Each agency, department, board, commission, and institution, for whose benefit and support appropriations are made in this act, shall certify to the Director of Finance that its expenditures have been made for the purposes stated in the budget, as implemented by the Budget Act, except as the purposes stated have been revised, in accordance with law, by the Department of Finance subsequent to the enactment of the Budget Act.

SEC. 31.5. All appropriations under this act for the support of the state colleges and the Trustees of the California State Colleges shall be subject to the provisions of Section 13320 of the Government Code and Section 31 of this act, with the following exceptions:

(a) The Trustees of the California State Colleges may approve any transfer of funds within the major budgetary functions of general administration, instruction, library, student services, plant operation, student pay—work-study, year-round operation, educational television, reimbursed activities, chancellor's office, international program and reimbursements, as provided in fiscal year budgets of the state colleges and the Trustees of the California State Colleges approved by the Department of Finance. The Trustees of the California State Colleges may approve any transfer of funds between the chancellor's office and any state college, or between any state college and any other state college. The Trustees of the California State Colleges may authorize the augmentation of the amount available for a category designated in any schedule set forth for such appropriation by transfer from any of the other designated categories within the same schedule within the major budgetary functions and shall furnish the Joint Legislative Budget Committee a report of such authorizations given during the preceding quarter;

(b) The trustees may approve the substitution of one item of equipment for another within such aforementioned budgetary functions and the use of savings in equipment allotments;

(c) The trustees may approve travel, both within and outside the state, and the payment of allowances and expenses related to travel, moving and the relocation of employees in accordance with the allowances established by the State Board of Control and within funds appropriated by this act for this purpose;

(d) The trustees may, within funds appropriated by this act, establish new positions both full-time and blanket on a provisional basis, make changes in grade or class of an existing position on the basis of work program and organization, provided such new positions and changes in grade or class shall be shown as administrative adjustments in the subsequent budgetary submissions and shall be subject to review during the legislative budget process.

Nothing in this section shall be construed as exempting the state colleges and the trustees of the state colleges from the provisions of Section 31 pertaining to salary savings reserve.

SEC. 32. The officers of the various departments, boards, commissions and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditures in excess of such appropriations, except the consent of the Department of Finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by the State Controller nor paid out of any state appropriation. Any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the consent of the Department of Finance and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

The Department of Finance shall submit copies of certificates approved by it under this section to the Joint Legislative Budget Committee quarterly, and shall indicate in the case of each certificate the code section or section of this act under which the department gave its consent to exceed the particular appropriation.

SEC. 32.5. Notwithstanding the provisions of any appropriation of state funds made in the Welfare and Institutions Code for the public assistance programs, expenditures of state funds for those programs for the fiscal year ending June 30, 1969, shall not exceed, in the aggregate, the sum of four hundred fifty million six hundred thirty-five thousand two hundred dollars ($450,635,200).

The Department of Social Welfare, subject to the limit placed on aggregate expenditures by this section, may transfer funds between categorical aid programs.

The Department of Social Welfare shall administer the public assistance programs so that the counties will bear no more than the amount of welfare costs that they would be obligated to bear under the applicable provisions of the Welfare and

Institutions Code, without the expenditure limitations set forth herein, and so that the amount authorized to be expended under this section shall fully cover the state's share of aid payments and for services under such programs for the 1968–69 fiscal year.

The limitations on amounts imposed by this section shall apply to any amounts which are determined by the Director of Finance to be necessary to meet increases in cost arising out of approvals made by the Department of Finance pursuant to the provisions contained in Item 141.

Provided further, that the Director of Finance is authorized to approve expenditures in those amounts made necessary by changes in either caseload or payments, or both, unrelated to any change in rule or regulation adopted during the current fiscal year which are in excess of Budget Bill estimates for 1968–69. Not later than the fifth legislative day following the submission of the Governor's Budget in the 1969 Regular Session of the Legislature, the Director of Finance shall report to the Legislature the amount, if any, by which the then current estimate of expenditures for public assistance programs in the fiscal year ending June 30, 1969, will exceed the limitation on aggregate expenditure in this section. If such report is not required following submission of the Governor's Budget but the Director of Finance determines during the third quarter that the estimate of expenditures will exceed the authorized expenditure in this section, he shall so report to the Legislature prior to the end of the third quarter. At such time as a report is made, the amount of the limitation shall be increased by the amount of such excess unless and until otherwise provided by law.

SEC. 32.8. As of June 30, 1968, the unencumbered balance of the revenues provided by Chapter 1326, Statutes of 1965, and appropriated by Section 32.7 of the Budget Act of 1967, shall be transferred to the unappropriated balance of the General Fund.

SEC. 33. If any item of appropriation in this act is vetoed, eliminated or reduced by the Governor under Section 10 of Article IV of the Constitution while approving portions of this act, such veto, elimination or reduction shall not affect the other portions of this act and these other portions of this act, so approved, shall have the same effect in law as if any vetoed or eliminated items of appropriation had not been present in this act and as if any reduced item of appropriation had not been reduced.

SEC. 34. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 35. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of Section 8 of Article IV of the Constitution of the State of California, take effect immediately.

SEC. 36. This act is an urgency 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:

There exists an extreme shortage of physical facilities for the operation of the custodial, mental treatment, educational, administrative, military and other agencies of the state government, the present facilities being entirely inadequate due to great increases in population and added governmental responsibilities. The capital outlay appropriations in this budget are all in continuation of an existing program to remedy the aforesaid shortage of facilities and to promote and sustain the economy of the state. If they are not available for expenditure on July 1, 1968, the existing program will be delayed. The expeditious correction of such condition and the efficient operation of the state's business requires the immediate availability of the new capital outlay appropriation and the uninterrupted availability of reappropriated capital outlay items contained in this measure. It is therefore necessary that this act go into immediate effect.

CHAPTER 431

An act to add Section 641 to the Streets and Highways Code, relating to highways.

[Approved by Governor July 1, 1968. Filed with Secretary of State July 1, 1968.]

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

SECTION 1. Section 641 is added to the Streets and Highways Code, to read:

641. Notwithstanding any other provision of law, route shield signs shall be placed by the department on Interstate Highway 10 between Blythe and Beaumont so as to designate the highway as both Interstate Highway 10 and as U.S. Highway 60.

CHAPTER 432

An act to amend Section 8101.5 of, and to add Section 8101.7 to, the Revenue and Taxation Code, relating to vehicle license fuel tax.

[Approved by Governor July 1, 1968. Filed with Secretary of State July 1, 1968.]

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

SECTION 1. Section 8101.5 of the Revenue and Taxation Code is amended to read:

8101.5. No refund of any tax shall be granted which is attributable to the distribution of motor vehicle fuel for use or used in propelling an aircraft in the state, except the following refunds:

(a) Any tax which is attributable to the distribution of motor vehicle fuel for use or used in propelling an aircraft engaged in the business of transporting persons or property for hire or compensation under a certificate of public convenience and necessity issued by the federal government or the California Public Utilities Commission.

(b) Any tax which is attributable to the distribution of motor vehicle fuel for use or used in propelling an aircraft engaged in the business of aerial application of dust, spray, fertilizer, seed or other materials in connection with agricultural activities.

(c) Five cents ($0.05) of the tax upon each gallon attributable to the distribution of motor vehicle fuel for use or used in propelling any aircraft, other than an aircraft referred to in subdivision (a) or (b) of this section.

(d) Any tax which is attributable to the distribution of motor vehicle fuel used in an aircraft engine incident to the business of construction or reconstructing by manufacture or assembly of completed aircraft or in the modification, overhaul, repair, maintenance or service of aircraft.

The Legislature hereby declares its intent that the motor vehicle fuel upon which the fuel tax is refunded in part shall be subject to the provisions of Section 6357 of this code with respect to collection of sales and use tax thereon to the same extent as if the entire amount of the fuel tax had been refunded.

SEC. 2. Section 8101.7 is added to the Revenue and Taxation Code, to read:

8101.7. No refund of any tax shall be granted which is attributable to the distribution of motor vehicle fuel for use or used in propelling a vessel in the state, except the following refund:

Any tax which is attributable to the distribution of motor vehicle fuel for use or used in propelling a vessel operated by its owner on waters located on private property owned or controlled by him.

The Legislature hereby declares its intent that the motor vehicle fuel upon which the fuel tax is refunded in part shall be subject to the provisions of Section 6357 with respect to collection of rates and use tax thereon to the same extent as if the entire amount of the fuel tax had been refunded.

SEC. 3. Section 2 of this act shall not be operative if Senate Bill No. 660 of the 1968 Regular Session is enacted and adds Section 8101.7 to the Revenue and Taxation Code.

SEC. 4. The provisions of this act shall apply to fuel purchased after 12:01 a.m. of the day on which this act becomes effective.

CHAPTER 433

An act to add Section 13001.5 to the Education Code, relating to records concerning school employees.

[Approved by Governor July 1, 1968. Filed with Secretary of State July 1, 1968.]

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

SECTION 1. Section 13001.5 is added to the Education Code, to read:

13001.5. Materials in personnel files of employees which may serve as a basis for affecting the status of their employment are to be made available for the inspection of the person involved.

Such material is not to include ratings, reports, or records which (1) were obtained prior to the employment of the person involved, (2) were prepared by identifiable examination committee members, or (3) were obtained in connection with a promotional examination.

Every employee shall have the right to inspect such materials upon request, provided that the request is made at a time when such person is not actually required to render services to the employing district.

CHAPTER 434

An act to amend Section 19414.5 of the Business and Professions Code, relating to racing days.

[Approved by Governor July 1, 1968. Filed with Secretary of State July 1, 1968.]

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

SECTION 1. Section 19414.5 of the Business and Professions Code is amended to read:

19414.5. "Racing days" are days on which a licensed racing association is authorized by the board to conduct horseracing. "Racing weeks" are weeks during which a licensed racing association is authorized by the board to conduct horseracing for a minimum of five racing days. Fractional racing weeks may be authorized by the board at the beginning and end of any horseracing meeting but shall not total more than one week, provided, that if a licensed racing association holds a split meeting pursuant to subdivision (d) of Section 19532 each part of such a split meeting shall be deemed a horseracing meeting, solely for the purposes of authorizing fractional "racing weeks" under this section.

CHAPTER 435

An act to amend Section 172g of the Penal Code, relating to intoxicating liquor.

[Approved by Governor July 1, 1968. Filed with Secretary of State July 1, 1968.]

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

SECTION 1. Section 172g of the Penal Code is amended to read:

172g. 1. Every person who, within one mile of that portion of the grounds of La Verne College (as determined by the County of Los Angeles to be tax exempt for educational purposes), or within one mile by airline from the intersection of Sierra Vista, Pierce, and Campus Drive streets at the entrance to La Sierra College in the City of Riverside, or within one mile of the grounds or campus of Loma Linda University in the County of San Bernardino, sells, or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100), or by imprisonment in the county jail of not less than 30 days nor more than one year, or by both such fine and imprisonment in the discretion of the court.

2. The provisions of this section shall not apply to the sale or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale or exposing or offering for sale of beer.

3. Distances provided in this section shall be measured not by airline but by following the shortest road or roads connecting the points in question except those applying to La Sierra College.

CHAPTER 436

An act to amend Sections 51 and 52 of, and to add Section 160.5 to, the Military and Veterans Code, relating to the Adjutant General.

[Approved by Governor July 1, 1968. Filed with Secretary of State July 1, 1968.]

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

SECTION 1. Section 51 of the Military and Veterans Code is amended to read:

51. The Military Department shall include the Office of the Commanding General of the State Military Forces, the National Guard, the State Military Reserve, the California Cadet Corps and the Naval Militia.

SEC. 2. Section 52 of the Military and Veterans Code is amended to read:

52. The Commanding General of the State Military Forces succeeds to and is vested with the duties, power, purposes, responsibilities and jurisdiction of the Division of Military Affairs and of the officers and employees of said division. The Commanding General of the State Military Forces shall in addition to his other duties be the head of the Military Department and shall be responsibile for its affairs, functions, duties, funds and property.

SEC. 3. Section 160.5 is added to the Military and Veterans Code, to read:

160.5. Any statute of this state referring to the Adjutant General shall be deemed to refer to the Commanding General of the State Military Forces.

CHAPTER 437

An act to add Section 2985.6 to the Civil Code, relating to real property sales contracts.

[Approved by Governor July 1, 1968. Filed with Secretary of State July 1, 1968.]

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

SECTION 1. Section 2985.6 is added to the Civil Code, to read:

2985.6. A buyer shall be entitled to prepay all or any part of the balance due on any real property sales contract with respect to the sale of land which has been subdivided into a residential lot or lots which contain a dwelling for not more than four families. This section shall apply only to such contracts entered into on or after January 1, 1969.

Any waiver by the buyer of the provisions of this section relating to prepayment clauses shall be deemed contrary to public policy and shall be unenforceable and void; provided, however, that the unenforceability and voidability of the prepayment clause shall in no way affect the validity of the remainder of the contract.

CHAPTER 438

An act to amend Section 18681.3 of the Revenue and Taxation Code, relating to the Personal Income Tax Law.

[Approved by Governor July 1, 1968. Filed with Secretary of State July 1, 1968.]

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

SECTION 1. Section 18681.3 of the Revenue and Taxation Code is amended to read:

18681.3. (a) For purposes of Section 18681, the amount of tax required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for filing the return and by the amount of any credit against the tax which may be claimed upon the return.

(b) This section and Section 18681 shall not apply to any failure to file a declaration of estimated tax required by Section 18412.5.

CHAPTER 439

An act to amend Sections 51000 and 51002 of the Government Code, relating to boundaries of local agencies, and declaring the urgency thereof, to take immediate effect.

[Approved by Governor July 1, 1968. Filed with Secretary of State July 1, 1968.]

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

SECTION 1. Section 51000 of the Government Code is amended to read:

51000. When the location of a boundary line of a local agency, as defined in Section 53510 of the Government Code, is indefinite or uncertain, or the boundary line has been obliterated from any cause, it may be determined, defined, and established pursuant to this chapter.

SEC. 2. Section 51002 of the Government Code is amended to read:

51002. The superior court of the county in which the initiating local agency is located has jurisdiction over the proceeding. In the event that a boundary line of a district having territory in more than one county is indefinite or uncertain, the superior court of either county shall have jurisdiction.

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:

Minor deficiencies and uncertainties exist in the boundaries of many public agencies, often caused by the loss of early records and maps. In order that bonds for much needed improvements may be issued and sold by such agencies during this fiscal year it is essential that an expeditious procedure be made available to enable a court to make a determination of actual boundaries.

CHAPTER 440

An act to add Section 10270.99 to the Insurance Code, relating to disability insurance policies.

[Approved by Governor July 1, 1968. Filed with Secretary of State July 1, 1968.]

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

SECTION 1. Section 10270.99 is added to the Insurance Code, to read:

10270.99. The term "individual policies or contracts," as used in the first paragraph of Section 10270.98, does not include selected group disability policies or contracts.

CHAPTER 441

An act to amend Sections 31596 and 31615 of, and to add Section 31703.7 to, the Water Code, relating to county water districts.

[Approved by Governor July 1, 1968. Filed with Secretary of State July 1, 1968.]

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

SECTION 1. Section 31596 of the Water Code is amended to read:

31596. The formation of an improvement district shall be instituted by a resolution of the board which shall contain the following:

(a) A description of the boundaries of the improvement district proposed to be formed;

(b) A brief general description of the project to be undertaken within such improvement district;

(c) A finding that the project will be a special benefit to such improvement district;

(d) A statement of the board's intention to undertake the project;

(e) An estimate of the cost of the project;

(f) The method by which the project is proposed to be financed. To the extent that the project is to be financed by taxes levied in such improvement district, for purposes other than the payment of the principal of and interest on bonds, the proposed maximum amount of such tax which may be levied in any year, which maximum shall not exceed seventy-five cents ($0.75) per one hundred dollars ($100) of the assessed value of the taxable property in such improvement district. To the extent that the project is to be financed by incurring a bonded indebtedness the resolution shall also

comply with Section 31370. To the extent that the project is to be financed by taxes levied in such improvement district, for purposes other than the payment of the principal and interest on bonds, and said taxes are levied pursuant to Section 31703.7 of the Water Code, the proposed maximum amount of such tax which may be levied in any year, which maximum shall not exceed two dollars and fifty cents ($2.50) per one hundred dollars ($100) of the assessed value of the land in such improvement district.

(g) The time and place for a hearing by the board on the formation of the proposed improvement district, on the boundaries thereof, on the project proposed to be undertaken therein and on the method by which the project is proposed to be financed.

SEC. 2. Section 31615 of the Water Code is amended to read:

31615. Subject to such limitations as may be contained in the resolution declaring the improvement district to be formed, the board shall have the power in any year to cause taxes to be levied and collected in any improvement district to finance any project of such improvement district or to pay the principal of and interest on bonds issued by the district on behalf of such improvement district for the purpose of financing any project in such improvement district, and to pay the costs of administration, maintenance, and operation of any works or facilities of or for said improvement district. In the Cucamonga County Water District such tax may be levied on land only; but such restriction shall be applicable only within any improvement district formed within the district, and only so long as necessary to pay for the water facilities which may be constructed in such improvement district.

SEC. 3. Section 31703.7 is added to the Water Code, to read:

31703.7. Upon request of the Cucamonga County Water District, the board of supervisors shall levy an improvement district tax on land within any improvement district within Cucamonga County Water District for the purpose of financing improvements in such improvement district. The tax levied pursuant to this section constitutes a lien on all property, both real and personal, located on the land within such an improvement district.

The provisions of this section apply only with respect to taxes levied within an improvement district in the Cucamonga County Water District. This special provision is necessary because of the unique benefits to undeveloped land within the Cucamonga County Water District by the availability of improvements in such improvement districts.

CHAPTER 442

An act to amend Section 74519 of the Government Code, relating to municipal courts.

[Approved by Governor July 1, 1968. Filed with Secretary of State July 1, 1968.]

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

SECTION 1. Section 74519 of the Government Code is amended to read:

74519. In any civil action or proceeding, in addition to a fee or fees required by Sections 72054 to 72073, inclusive, a fee of seven dollars ($7) shall be paid to the clerk of the municipal court, by each party, or jointly by parties appearing jointly, once only in any such action or proceeding, in the following instances:

(a) Upon the filing of a complaint or complaint in intervention.

(b) Upon the filing of an answer.

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding.

CHAPTER 443

An act relating to district taxes.

[Approved by Governor July 1, 1968. Filed with Secretary of State July 1, 1968.]

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

SECTION 1. The board of directors of any district which on November 8, 1967, was assessing, levying, or collecting its own taxes pursuant to Chapter 3 (commencing with Section 31730), Part 7, Division 12 of the Water Code, and which is continuing to do so notwithstanding the repeal of said chapter, as authorized by Section 8 of Chapter 592 of the Statutes of 1967, may by resolution, adopted prior to making the annual levy pursuant to former Section 31790, determine that property taxes shall be due and payable in such installments and shall become delinquent on the same dates as county taxes. Thereafter, all notices and bills given or rendered shall set forth the changed delinquency dates.

CHAPTER 444

An act to amend Sections 101, 6700, 6710, and 6712 of the Business and Professions Code, relating to civil and professional engineers.

[Approved by Governor July 1, 1968. Filed with Secretary of State July 1, 1968.]

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

SECTION 1. Section 101 of the Business and Professions Code is amended to read:

101. The department is comprised of:

(a) The Board of Dental Examiners of California.

(b) The Board of Medical Examiners of the State of California.

(c) The State Board of Optometry.

(d) The California State Board of Pharmacy.

(e) The Board of Examiners in Veterinary Medicine.

(f) The State Board of Accountancy.

(g) The California State Board of Architectural Examiners.

(h) The State Board of Barber Examiners.

(i) The State Board of Registration for Professional Engineers.

(j) The Contractors' State License Board.

(k) The State Board of Cosmetology.

(*l*) The State Board of Funeral Directors and Embalmers.

(m) The Structural Pest Control Board.

(n) The Yacht and Ship Brokers Commission.

(o) The Bureau of Furniture and Bedding Inspection.

(p) The Board of Nurse Examiners of the State of California.

(q) The State Board of Dry Cleaners.

(r) The Board of Chiropractic Examiners.

(s) The Board of Social Work Examiners of the State of California.

(t) The State Athletic Commission.

(u) The Cemetery Board.

(v) The State Board of Guide Dogs for the Blind.

(w) The Bureau of Private Investigators and Adjusters.

(x) The Certified Shorthand Reporters Board.

(y) The Board of Vocational Nurse Examiners of the State of California.

(z) The California State Board of Landscape Architects.

(aa) The Collection Agency Licensing Bureau.

(ab) Any other boards, offices, or officers subject to its jurisdiction by law.

SEC. 2. Section 6700 of the Business and Professions Code is amended to read:

6700. This chapter of the Business and Professions Code constitutes the chapter on professional engineers in the

branches of chemical, civil, electrical, industrial, mechanical, metallurgical, and petroleum engineering. It may be cited as the Professional Engineers Act.

SEC. 3. Section 6710 of the Business and Professions Code is amended to read:

6710. There is in the Department of Professional and Vocational Standards a State Board of Registration for Professional Engineers, which consists of nine members appointed by the Governor.

SEC. 4. Section 6712 of the Business and Professions Code is amended to read:

6712. Members of the State Board of Registration for Professional Engineers in office when this act takes effect shall continue as members of the State Board of Registration for Professional Engineers without change in their terms so that the terms of said members presently in office shall expire as follows: the term of one member, January 15, 1952; the term of two members, January 15, 1953; the term of two members, January 15, 1954, and the term of two members, January 15, 1955. Thereafter, all appointments to said board shall be for a term of four years, and vacancies shall be filled by appointment for the unexpired term. Each such member appointed to fill a new term or vacancy shall be a registered professional engineer in the same branch as his predecessor.

The term of the first land surveyor member shall expire January 15, 1960. Thereafter all such appointments shall be for a term of four years, and vacancies shall be filled by appointment for the unexpired term.

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire January 15, 1965. Thereafter all such appointments shall be for a term of four years, and vacancies shall be filled by appointment for the unexpired term.

Each member shall hold office 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 person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office on September 7, 1955.

CHAPTER 445

An act to add Section 12902.5 to the Education Code, relating to regional occupational centers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 1, 1968. Filed with Secretary of State July 1, 1968.]

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

SECTION 1. In enacting Section 12902.5, it is the intent of the Legislature to provide qualified instructors for employment in a regional occupational center maintained and operated by a county, district, or districts, in accordance with provisions of Chapter 14 (commencing with Section 7450), Division 6 of the Education Code. The Legislature declares that the regional occupational centers so established will serve the state and national interests by providing trained personnel required by the ever-increasing technological needs and further declares that the highly skilled instructors necessary for such programs are not available for employment under present certification requirements, but are available from the skilled trades. It is therefore in the best interests of the people of the State of California to make it possible to staff the regional occupational centers with qualified instructors from business and industry.

SEC. 2. Section 12902.5 is added to the Education Code, to read:

12902.5. No credential, certificate, or certification document shall be required to be held by any person employed by any county, district, or districts maintaining and operating a regional occupational center for services in such center.

Any provisions prescribing requirements that credentials, certificates, or certification documents be held shall be inapplicable to such persons. For all other purposes of this code, persons so employed shall be considered as employed in education positions or positions requiring certification qualifications.

This section shall remain in effect until the 61st day after the final adjournment of the 1969 Regular Session of the Legislature, and shall have no force or effect after that date.

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:

It is necessary that this act take effect immediately in order to permit recruitment of needed personnel for the 1968 fall semester for existing centers and those under construction and scheduled to commence operation during the 1968–69 school year.

CHAPTER 446

An act to add Section 15798 to the Public Utilities Code, relating to public utility districts.

[Approved by Governor July 1, 1968. Filed with Secretary of State July 1, 1968.]

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

SECTION 1. Section 15798 is added to the Public Utilities Code, to read:

15798. The board may change the name of the district by adoption of an ordinance changing the name of the district and by giving notification of the name change to the State Controller, the State Board of Equalization, and the board of supervisors of each county which has land within the district.

CHAPTER 447

An act to repeal Section 7353 of the Welfare and Institutions Code, as added by Chapter 1667, Statutes of 1967, relating to care of mental patients.

[Approved by Governor July 1, 1968. Filed with Secretary of State July 1, 1968.]

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

SECTION 1. Section 7353 of the Welfare and Institutions Code, as added by Chapter 1667, Statutes of 1967, is repealed.

CHAPTER 448

An act to amend Sections 730.04, 730.05, 730.08, and 730.13 of the Civil Code, relating to the Revised Uniform Principal and Income Act, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 1, 1968. Filed with Secretary of State July 1, 1968.]

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

SECTION 1. Section 730.04 of the Civil Code is amended to read:

730.04. (a) An income beneficiary is entitled to income from the date specified in the trust instrument, or, if none is specified, from the date an asset becomes subject to the trust. In the case of an asset becoming subject to a trust by reason of a will, it becomes subject to the trust as of the date of the death of the testator even though there is an intervening period of administration of the testator's estate.

(b) Upon an asset becoming subject to a trust by reason of a will,

(1) Receipts due but not paid at the date of death of the testator are principal;

(2) Receipts in the form of periodic payments not due at the date of the death of the testator (other than rents, an-

nuities, interest on bank savings accounts, interest on savings and loan association accounts and corporate distributions to stockholders) shall be treated as accruing from day to day. That portion of the receipt accruing before the date of death is principal, and the balance is income.

(c) In all other cases, any receipt from an income-producing asset is income even though the receipt was earned or accrued in whole or in part before the date when the asset became subject to the trust.

(d) Whenever an income beneficiary's right to income shall cease by death, or in any other manner, all payments theretofore actually paid to the income beneficiary or in the hands of the trustee for payment to the income beneficiary shall belong to the income beneficiary or to his personal representative; all income actually received by the trustee after such termination shall be paid to the person next entitled to income by the terms of the trust. This subdivision shall not apply to income received by a trustee under subdivision (c) of Section 730.05.

(e) Corporate distributions to stockholders shall be treated as due on the day fixed by the corporation for determination of stockholders of record entitled to distribution or, if no date is fixed, on the date of declaration of the distribution by the corporation.

SEC. 2. Section 730.05 of the Civil Code is amended to read:

730 05. (a) Unless the will otherwise provides, income from the assets of a decedent's estate after the death of the testator and before distribution, including income from property used to discharge liabilities, shall be distributed in the manner set forth in Chapter 8 (commencing with Section 160), Division 1, of the Probate Code.

(b) Income received by a trustee under subdivision (a) shall be treated as income of the trust.

(c) When an income beneficiary's right to income, including interest payable under Section 162 of the Probate Code, shall cease by death, or in any other manner, during the period of probate administration, income attributable to the period prior to the termination of such right, when subsequently received by the trustee, shall be equitably prorated between the beneficiary or his personal representative and the person next entitled to income by the terms of the trust instrument.

SEC. 3. Section 730.08 of the Civil Code is amended to read:

730 08. (a) If a trustee uses any part of the principal in the continuance of a business of which the settlor was a sole proprietor or a partner, the net profits of the business, computed in accordance with generally accepted accounting principles for a comparable business and subject to the provisions of subdivision (c), are income. If a loss results in any fiscal or calendar year, the loss falls on principal and shall not be

carried into any other fiscal or calendar year for purposes of calculating net income.

(b) Generally accepted accounting principles shall be used to determine income from an agricultural or farming operation, including the raising of animals or the operation of a nursery, subject to the provisions of subdivision (c).

(c) Subdivisions (a) and (b) are subject to the provisions of Section 730.14 and for this purpose any property of such business or agricultural or farming operation shall be deemed to be "property held in such trust" within the meaning of Section 730.14.

SEC. 4. Section 730.13 of the Civil Code is amended to read:

730.13. (a) The following charges shall be made against income:

(1) Ordinary expenses incurred in connection with the administration, management, or preservation of the trust property, including regularly recurring taxes assessed against any portion of the principal, water rates, premiums on insurance taken upon the interests of the income beneficiary, remainderman, or trustee, interest paid by the trustee, and ordinary repairs;

(2) The trustee in his absolute discretion may make a reasonable allowance for depreciation on property subject to depreciation under generally accepted accounting principles, but no allowance shall be made for depreciation of that portion of any real property used by a beneficiary as a residence;

(3) One-half of court costs, attorney's fees, and other fees on periodic judicial accounting, unless the court directs otherwise;

(4) Court costs, attorney's fees, and other fees on other accountings or judicial proceedings if the matter primarily concerns the income interest, unless the court directs otherwise;

(5) One-half of the trustee's regular compensation, whether based on a percentage of principal or income, unless the court directs otherwise;

(6) All expenses reasonably incurred for current management of principal and application of income;

(7) Any tax levied upon receipts defined as income under this act or the trust instrument and payable by the trustee.

(b) If charges against income are of unusual amount, the trustee may by means of reserves or other reasonable means charge them over a reasonable period of time and withhold from distribution sufficient sums to regularize distributions.

(c) The following charges shall be made against principal:

(1) Trustee's compensation not chargeable to income under subdivisions (a)(4) and (a)(5), special compensation of trustees, expenses reasonably incurred in connection with principal, court costs and attorney's fees primarily concerning matters of principal, and trustee's compensation computed on principal as an acceptance, distribution, or termination fee;

(2) Charges not provided for in subdivision (a), including the cost of investing and reinvesting principal, the payments on principal of an indebtedness (including a mortgage amortized by periodic payments of principal), expenses for preparation of property for rental or sale, and, unless the court directs otherwise, expenses incurred in maintaining or defending any action to construe the trust or protect it or the property to assure the title of any trust property;

(3) Extraordinary repairs or expenses incurred in making a capital improvement to principal, including special assessments, but a trustee may establish an allowance for depreciation out of income to the extent permitted by subdivision (a)(2) and by Section 730.08.

(4) Any tax levied upon profit, gain, or other receipts allocated to principal notwithstanding denomination of the tax as an income tax by the taxing authority;

(5) If an estate or inheritance tax is levied in respect of a trust in which both an income beneficiary and a remainderman have an interest, any amount apportioned to the trust, including penalties, even though the income beneficiary also has rights in the principal.

(d) Regularly recurring charges payable from income shall be apportioned to the same extent and in the same manner that income is apportioned under Section 730.04.

SEC. 5. This act shall be operative July 1, 1968.

SEC. 6. This is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article VI of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

At the 1967 Regular Session of the Legislature, Chapter 1508 of the 1967 Statutes was enacted to add new Chapter 2.5 (commencing with Section 730) of Part 1 of Division 2 of the Civil Code, to be known and cited as the Revised Principal and Income Act, operative July 1, 1968.

The Revised Principal and Income Act on and after its operative date will provide a comprehensive statute applicable in terms to both existing and future trusts. The amendments to such act proposed by this act will clarify and improve provisions of such Revised Principal and Income Act, as adopted in 1967, and also will change the rule of Estate of Feldman, 145 Cal. App. 2d. 19. To avoid a gap in the statutory law and in the interest of uniformity, it is necessary that this act take effect immediately.

CHAPTER 449

An act to maintain the Government Code by amending Sections 9130, 9600, 11041, 12164.5, 12410, 12572, 16404, 18596, 18653, 20135, 20334, 21026, 25210.78h, 25351, 25369, 25465, 25560.4, 25905, 25906, 26150, 26803.5, 27206, 29917, 30200, 31681.51 as added by Chapter 892 of the Statutes of 1967, 35275, 37380, 53095, 68073, 71610, 72304, and by amending and renumbering the heading of Chapter 2.9 (commencing with Section 8180) of Division 1 of Title 2, and Sections 8180, 8181, 8182, 8183, 8184, 8185, 8186, 8187, 8188, 8189, the heading of Article 7 (commencing with Section 12070) of Chapter 1 of Part 2 of Division 3 of Title 2, Sections 12070, 12071, 12072, 12073, 12074, 12075, 12076, 12077, 12078, 12079, 12080, 12081, and 12082, by adding a heading to Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 and by repealing the heading of Article 6 (commencing with Section 12260) of Chapter 3 of Part 2 of Division 3 of Title 2, Sections 13398, 25209.5, 25562, 31681.51 as added by Chapter 671 of the Statutes of 1967, and 31739.31 as added by Chapter 671 of the Statutes of 1967, relating to government.

[Approved by Governor July 1, 1968. Filed with Secretary of State July 1, 1968.]

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

SECTION 1. The heading of Chapter 2.9 (commencing with Section 8180) of Division 1 of Title 2 of the Government Code is amended and renumbered to read:

CHAPTER 3.1. GOOSE LAKE COMPACT COMMISSION

SEC. 2. Section 8180 of the Government Code is amended and renumbered to read:

8220. There is in the state government a California Goose Lake Compact Commission.

SEC. 3. Section 8181 of the Government Code is amended and renumbered to read:

8221. As used in this chapter "commission" means California Goose Lake Compact Commission.

SEC. 4. Section 8182 of the Government Code is amended and renumbered to read:

8222. The commission shall consist of five members, the Director of Water Resources or his representative, the Director of Fish and Game, and three members appointed by the Governor from persons residing in Modoc County. The members shall be appointed from qualified persons engaged in the following fields: (a) agriculture, (b) fishing, and (c) other industries.

SEC. 5. Section 8183 of the Government Code is amended and renumbered to read:

8223. Each member of the commission shall be entitled to receive his actual necessary expenses while on official business of the commission.

SEC. 6. Section 8184 of the Government Code is amended and renumbered to read:

8224. The chairman of the commission shall be selected by the commission.

SEC. 7. Section 8185 of the Government Code is amended and renumbered to read:

8225. The commission shall appoint a secretary who may be one of its members and may employ such employees as it deems necessary to carry out its functions under this chapter. It may also incur necessary expenses to effectuate its purposes.

SEC. 8. Section 8186 of the Government Code is amended and renumbered to read:

8226. It is the function of the commission to cooperate with a similar commission representing the State of Oregon in formulating and submitting to the legislatures of both states for their approval an interstate compact relative to the distribution and use of the waters of Goose Lake. The commission shall also cooperate with any person appointed by the President of the United States to participate in the negotiations as a representative of the United States and to make a report thereon to the Congress.

SEC. 9. Section 8187 of the Government Code is amended and renumbered to read:

8227. No compact or agreement is binding on the State of California until it has been approved by the Legislature of this state and the Congress of the United States.

SEC. 10. Section 8188 of the Government Code is amended and renumbered to read:

8228. The Director of Water Resources shall cooperate with the commission and furnish it with such engineering data as the commission may require in carrying out the provisions of this chapter.

SEC. 11. Section 8189 of the Government Code is amended and renumbered to read:

8229. Members and employees of the commission may travel outside of the state and may hold hearings and conduct investigations within and outside the state, whenever necessary to carry out the purposes of this chapter and may acquire any available information from any governmental agency in the State of Oregon.

SEC. 12. Section 9130 of the Government Code is amended to read:

9130. Expenditures from the Senate Contingent Fund, the Assembly Contingent Fund, and from appropriations made for legislative printing are not subject to the provisions of Section 925.6 or 13320 of this code, except that the State Con-

troller is not required to draw warrants thereon until the original claims and vouchers, itemized and properly sworn to, are filed with him.

SEC. 13. Section 9600 of the Government Code is amended to read:

9600. Every statute, unless a different time is prescribed therein, takes effect on the 61st day after the final adjournment of the session of the Legislature which passed such statute.

SEC. 14. Section 11041 of the Government Code is amended to read:

11041. Sections 11042 and 11043 are not applicable to the Regents of the University of California, Legal Division of the Department of Public Works, Division of Labor Law Enforcement, Workmen's Compensation Appeals Board, Public Utilities Commission, State Compensation Insurance Fund, Legislative Counsel Bureau, Inheritance Tax Department, Secretary of State, State Lands Commission, Alcoholic Beverage Control Appeals Board (except when the board affirms the decision of the Department of Alcoholic Beverage Control), and Department of Education, nor to any other state agency which by law enacted after Chapter 213, of the Statutes of 1933, is authorized to employ legal counsel.

SEC. 15. A heading is added to Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code immediately preceding Section 11371, to read:

Article 1. General

SEC. 16. The heading of Article 7 (commencing with Section 12070) of Chapter 1, Part 2, Division 3, Title 2 of the Government Code as added by Chapter 1540 of the Statutes of 1967 is amended and renumbered to read:

Article 7.5. Executive Reorganization

SEC. 17. Section 12070 of the Government Code as added by Chapter 1540 of the Statutes of 1967 is amended and renumbered to read:

12080. As used in this article:

(a) "Agency" means any statewide office, nonelective officer, department, division, bureau, board, commission or agency in the executive branch of the state government, except that it shall not apply to any agency whose primary function is service to the Legislature or judicial branches of state government or to any agency that is administered by an elective officer. "Agency that is administered by an elective officer" includes the State Board of Equalization but not a board or commission on which an elective officer serves in an ex officio capacity.

(b) "Reorganization" means:

(1) The transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency; or

(2) The abolition of all or any part of the functions of any agency; or

(3) The consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; or

(4) The consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

(5) The authorization of any nonelective officer to delegate any of his functions; or

(6) The abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of a reorganization plan will not have, any functions.

(7) The establishment of a new agency to perform the whole or any part of the functions of an existing agency or agencies.

SEC. 18. Section 12071 of the Government Code as added by Chapter 1540 of the Statutes of 1967 is amended and renumbered to read:

12080.1. The Governor, from time to time, shall examine the organization of all agencies and shall determine what changes therein are necessary to accomplish one or more of the following purposes:

(a) To promote the better execution of the laws, the more effective management of the executive and administrative branch of the state government and of its agencies and functions and the expeditious administration of the public business;

(b) To reduce expenditures and promote economy to the fullest extent practicable consistent with the efficient operation of the state government;

(c) To increase the efficiency of the operation of the state government to the fullest extent practicable;

(d) To group, consolidate and coordinate agencies and functions thereof as nearly as possible according to major purposes;

(e) To reduce the number of agencies by consolidating those having similar functions under a single head and to abolish such agencies or functions thereof as may not be necessary for the efficient operation of the state government;

(f) To eliminate overlapping and duplication of effort.

The Legislature declares that the public interest requires the carrying out of the purposes set forth in this section, and that such purposes may be accomplished more speedily and effectively under this article than by the enactment of specific legislation.

SEC. 19. Section 12072 of the Government Code as added by Chapter 1540 of the Statutes of 1967 is amended and renumbered to read:

12080.2. Whenever the Governor finds that reorganization is in the public interest, he shall prepare one or more reorganization plans and transmit each, bearing an identifying number, to the Legislature, with a declaration that, with respect to each reorganization included in the plan, he has so found. The delivery to both houses shall be within the first 60 calendar days of a regular session of the Legislature. The Governor, in his message transmitting a reorganization plan, shall explain the advantages which it is probable will be brought about by the taking effect of the reorganization included in the plan, and he shall specify with respect to each abolition of a function included in the plan the statutory authority for the exercise of the function.

SEC. 20. Section 12073 of the Government Code as added by Chapter 1540 of the Statutes of 1967 is amended and renumbered to read:

12080.3. Each reorganization plan transmitted by the Governor under this article:

(a) May change the name of any agency affected by a reorganization and the title of its head, and shall designate the name of any agency resulting from a reorganization and the title of its head;

(b) May include provisions, in accordance with Article XXIV of the Constitution, for the appointment of the head and one or more other officers of any agency, including an agency resulting from a consolidation or other type of reorganization, if the Governor finds, and in his message transmitting the plan declares, that by reason of a reorganization made by the plan such provisions are in the public interest. The head so provided for may be an individual, or may be a commission or board with two or more members, but in any case the appointment of such agency head shall be subject to confirmation by the Senate. The term of office of any appointee, if any is provided, shall be fixed at not more than four years. The Legislature shall fix the compensation of all such department heads and such officers as are not subject to the provisions of Article 24 of the California Constitution.

(c) Shall make provision for the transfer of employees serving in the state civil service, other than temporary employees, who are engaged in the performance of a function transferred to another agency, or engaged in the administration of a law, the administration of which is transferred to such agency, by the reorganization plan. The status, positions, and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position exempt from civil service.

(d) Shall make provision for the transfer or other disposition of the personnel records and property, affected by any reorganizations;

(e) Shall make provision for the transfer of such unexpended balances of appropriations and of other funds available for use in connection with any function or agency affected by a reorganization, as he deems necessary by reason of the reorganization, for use in connection with the functions affected by the reorganization, or for the use of the agency which has such functions after the reorganization plan is effective. Unexpended balances so transferred shall be used only for the purpose for which the appropriation was originally made;

(f) Shall make provision for terminating the affairs of any agency abolished;

(g) Shall enumerate all acts of the Legislature which will be suspended if the reorganization plan becomes effective.

SEC. 21. Section 12074 of the Government Code as added by Chapter 1540 of the Statutes of 1967 is amended and renumbered to read:

12080.4. No reorganization plan shall provide for, and no reorganization under this article shall have the effect of:

(a) Continuing any agency beyond the period authorized by law for its existence, or beyond the time when it would have terminated if the reorganization had not been made;

(b) Continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made;

(c) Authorizing any agency to exercise any function which is not expressly authorized by law to be exercised by an agency in the executive branch at the time the plan is transmitted to the Legislature;

(d) Increasing the term of any office beyond that provided by law for the office; or

(e) Abolishing any agency created by the California Constitution, or abolishing or transferring to the jurisdiction and control of any other agency any function conferred by the California Constitution on an agency created by that Constitution.

SEC. 22. Section 12075 of the Government Code as added by Chapter 1540 of the Statutes of 1967 is amended and renumbered to read:

12080.5. Any reorganization plan transmitted to the Legislature pursuant to this article shall become effective on the first day after final adjournment of the regular session unless during such session either house of the Legislature determines that further study of such plan is needed and assigns such plan for study to a committee.

SEC. 23. Section 12076 of the Government Code as added by Chapter 1540 of the Statutes of 1967 is amended and renumbered to read:

12080.6. No reorganization plan shall have the effect of limiting in any way the validity of any statute enacted, or any regulation or other action made, prescribed, issued, granted or performed in respect to or by any agency before the effective date of the reorganization plan except to the extent that the plan specifically so provides.

As used in this section "regulation or other action" means any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

SEC. 24. Section 12077 of the Government Code as added by Chapter 1540 of the Statutes of 1967 is amended and renumbered to read:

12080.7. No suit, action or other proceeding lawfully commenced by or against the head of any agency or other officer of the state, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of any reorganization plan under the provisions of this article.

SEC. 25. Section 12078 of the Government Code as added by Chapter 1540 of the Statutes of 1967 is amended and renumbered to read:

12080.8. From the effective date of a reorganization plan, and as long as it is in effect, the operation of any prior act of the Legislature inconsistent therewith shall be suspended insofar as it is inconsistent with the reorganization plan.

SEC. 26. Section 12079 of the Government Code as added by Chapter 1540 of the Statutes of 1967 is amended and renumbered to read:

12080.9. Each reorganization plan which takes effect shall be printed in the same volume as the acts of the session of the Legislature to which it was submitted.

SEC. 27. Section 12080 of the Government Code as added by Chapter 1540 of the Statutes of 1967 is amended and renumbered to read:

12081. The Legislative Counsel shall prepare for introduction not later than the next regular session of the Legislature occurring more than 90 days after that in which a Governor's reorganization plan takes effect a bill effecting such changes in the statutes as may be necessary to reflect the changes made by the reorganization plan.

The purpose of this section is to insure that statutory law is amended to conform with the changes made by the reorganization plan, but failure to enact such a bill shall not affect the validity of the plan.

SEC. 28. Section 12081 of the Government Code as added by Chapter 1540 of the Statutes of 1967 is amended and renumbered to read:

12081.1. It is the intention of the Legislature in delegating legislative power to the Governor by this article pursuant to the authorization contained in Section 6 of Article V of the California Constitution to retain the right of review of the Governor's action by means of action by either house of the Legislature recommending study of any proposal submitted to it.

SEC. 29. Section 12082 of the Government Code as added by Chapter 1540 of the Statutes of 1967 is amended and renumbered to read:

12081.2. The authority of the Governor to transmit reorganization plans pursuant to Section 12072 shall remain in effect until December 31, 1969.

If any provision of this act or the application thereof, except Section 12075, to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act, except Section 12075, are severable.

SEC 30. Section 12164.5 of the Government Code is amended to read:

12164.5. The Secretary of State may cause to be returned to the corporation to which they relate, or to be destroyed, the articles of incorporation and other corporate records filed in his office by any corporation, domestic or foreign, if the Secretary of State complies with both of the following requirements:

(a) He maintains for the use of the public a microphotographic film print or copy of each document, record, instrument, or paper so returned or destroyed, prepared in accordance with the procedure specified in Sections 1551 and 1531 of the Evidence Code.

(b) He promptly seals and stores at least one original negative of each such microphotographic film in such manner and place as reasonably to assure its preservation indefinitely against loss, theft, defacement, or destruction.

SEC. 31. The heading of Article 6 (commencing with Section 12260) of Chapter 3, Part 2, Division 3 of Title 2 of the Government Code is repealed.

SEC. 32. Section 12410 of the Government Code is amended to read:

12410. The Controller shall superintend the fiscal concerns of the state. The Controller shall audit all claims against the state, and may audit the disbursement of any state money, for correctness, legality, and for sufficient provisions of law for payment. Whenever, in his opinion, the audit provided for by Chapter 4 (commencing with Section 925), Part 3, Division 3.6 of Title 1 of this code is not adequate, the Controller may make such field or other audit of any claim or disbursement of state money as may be appropriate to such determination.

SEC. 33. Section 12572 of the Government Code is amended to read:

12572. Whenever the Attorney General deems it advisable to keep secret the identity of any special agent or investigator, claims for compensation and expenses of the special agent or investigator may be presented by the Attorney General in his own name with the statement that the charges have been incurred under this article. When so presented the claims shall be paid out of any fund in the state treasury allocated for the use of the Attorney General. Such claims are exempt from Section 925.6.

SEC. 34. Section 13398 of the Government Code is repealed.

SEC. 35. Section 16404 of the Government Code is amended to read:

16404. Where the duties of any state agency for which an appropriation is available make necessary the use of moneys for purposes of a confidential nature, such state agency may, without at the time furnishing vouchers and itemized statements, draw from such appropriation an advance for such confidential purposes. Except for withdrawals by the Attorney General as provided in Section 12572 of this code, the total amount allowed any state agency for such confidential purposes shall not exceed two thousand dollars ($2,000) in any one fiscal year. Claim for such an advance is exempt from Section 925.6 of this code, but shall be accompanied by a certificate of the purpose and necessity for secrecy. The state agency shall remain fully accountable for any amount thus advanced, and when the reason for the secrecy no longer exists, or, in any event, within one year after such amount is withdrawn, must account therefor to the Controller who shall require vouchers in substantiation of all disbursements and make such audit as may be necessary.

SEC. 36. Section 18596 of the Government Code is amended to read:

18596. The "state civil service" shall include all personnel appointed or employed in the Bureau of Pupil Personnel Services in the Division of Instruction of the Department of Education.

SEC. 37. 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 11126 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. 38. Section 20135 of the Government Code is amended to read:

20135. Retired members of the system, and beneficiaries who are entitled to receive allowances or benefits under the provisions of this part, may authorize deductions to be made from their retirement allowance payments or from the allowances and benefits, respectively, or from either or both where both are being received, in accordance with regulations established by the board for the payment of group insurance premiums and other premiums for benefits or protection provided for under the provisions of Section 1156 of the Government Code, for payment of premiums under Part B of Title XVIII of the Social Security Act relating to supplementary medical insurance for the aged, or for the payment, with respect to retired state members of the system, of dues provided for under subdivision (c) of Section 1156. The board shall determine the additional cost involved in making deductions for such dues, and the association, or the unit thereof, shall pay the amount of such additional cost to the board for deposit in the Retirement Fund.

SEC 39. Section 20334 of the Government Code is amended to read:

20334. An employee serving on a part-time basis is excluded from this system unless:

(a) He became a member prior to the time this part becomes effective and continues to be a member by reason of Section 20301;

(b) His employment is regular and continuous and in the opinion of the board will extend for more than one year, and requires service for at least one-half the time required of employees in the same group or class, serving on a full-time basis;

(c) He is a member at the time he commences to serve on a part-time basis;

(d) He commences to serve, without a break in employment, on a less than half-time basis following the completion of six months of employment by the state or by a contracting agency uninterrupted by a break of more than one month;

(e) He holds or is on retirement in this system after having held a state office having a term in excess of four years and a salary not less than three hundred dollars ($300) a month and elects to become a member of this system under Section 20360 or Section 20361; or

(f) He is a member of the California Women's Board of Terms and Parole and elects to become a member of this system under Section 20360.

SEC. 40. Section 21026 of the Government Code is amended to read:

21026. The Workmen's Compensation Appeals Board, using the same procedure as in workmen's compensation hearings, shall in disputed cases determine whether all or any part, and if a part, what part of the disability claimed by a member is industrial, if the member is entitled to different disability retirement allowance according to whether his disability is industrial or nonindustrial.

SEC. 41. Section 25209.5 of the Government Code is repealed.

SEC. 42. Section 25210.78h of the Government Code is amended to read:

25210.78h. Any property included in a county service area which is also included in a district organized and existing under Chapter 4 (commencing at Section 27501), 5 (commencing at Section 27751), or 6 (commencing at Section 28001) of Division 20 of the Education Code shall be exempt from taxation under this chapter and none of the funds raised by taxation upon the county service area for the purpose of providing extended library facilities and services shall be expended within the area included in such a district.

SEC. 43. Section 25351 of the Government Code is amended to read:

25351. The board may construct, lease, build, rebuild, furnish, refurnish, or repair buildings for a hospital, almshouse, courthouse, jail, historical museum, aquarium, library, art gallery, art institute, exposition building for exhibiting and advertising farming, mining, manufacturing, livestock raising, and other resources of the county, stadium, coliseum, sports arena, or sports pavilion or other building for holding sports events, athletic contests, contests of skill, exhibition, spectacles and other public meetings, and such other public buildings as are necessary to carry out the work of the county government. Library buildings shall be constructed, built, repaired or refurnished only from taxes levied upon property which is a part of the county free library system as defined in Chapter 2, Division 20 of the Education Code.

SEC. 44. Section 25369 of the Government Code is amended to read:

25369. By a four-fifths vote of the board of supervisors, any county in which a local hospital district including the entire county has been organized may grant any money accumulated in a capital outlay fund pursuant to Article 4 (commencing with Section 53730) of Chapter 4, Part 1, Division 2, Title 5 of the Government Code to the local hospital district.

SEC. 45. Section 25465 of the Government Code is amended to read:

25465. The provisions of this article shall not apply to the construction of any public building used for facilities of juvenile forestry camps or juvenile homes, ranches or camps estab-

lished under Article 15 (commencing with Section 880) of Chapter 2, Part 1, Division 2 of the Welfare and Institutions Code if a major portion of the construction work is to be performed by wards of the juvenile court assigned to such camps, ranches or homes.

SEC. 46. Section 25560.4 of the Government Code is amended to read:

25560.4. The board of supervisors of any county may, by a four-fifths vote of the members, use or dedicate any portion of any land acquired by the county by means of special assessment proceedings for park purposes, for the erection and maintenance of one or more buildings to house any justice, municipal, or superior court, or one or more departments or divisions of any one or more of such courts if the portion of the land to be so used or dedicated has not been used by the public for park purposes for a period of more than 10 years.

SEC. 47. Section 25562 as added by Chapter 164 of the Statutes of 1949 of the Government Code is repealed.

SEC. 48. Section 25905 of the Government Code is amended to read:

25905. The board of supervisors may contract with a nonprofit corporation or association for the conducting of an agricultural fair, as agent of the county, for a period not exceeding five years. Such contract may provide for the use, possession, and management of any public park or fairgrounds by such nonprofit corporation, as agent of the county, during the period of the contract.

All net proceeds received by such nonprofit corporation, from whatever source, shall be deposited within 60 days after the conclusion of any fair in a county fair fund which shall be established in the county treasury for such purpose. The moneys in the fund shall be expended only for support of the county fair, including maintenance and operation of the county fair facilities, premiums, purposes incidental to the fair, capital outlay for fair purposes and for the acquisition or purchase of real property to be used for fair purposes.

The corporation shall submit an annual budget to the State Department of Agriculture, showing the estimated revenues and the proposed expenditures from all sources during the ensuing calendar year, which budget shall first be approved by the county board of supervisors and shall be considered as complying with the provisions of Part 4 (commencing with Section 4401) of Division 3 of the Agricultural Code relating to budgets.

Any other provisions of law relating to county fairs as a condition to receiving an allocation of state money for fair purposes shall be observed by such nonprofit corporation.

When such use, possession, and management is granted, the board may also allocate and pay to such nonprofit corporation in advance such sum of money it deems necessary to be used for the purposes for which such use, possession, and management is granted.

SEC. 49. Section 25906 of the Government Code is amended to read:

25906. The board of supervisors of a county may contract with a nonprofit corporation or association for the conducting of an agricultural fair in such county for such period and under such conditions as the board may determine. Such contracts may provide for the use, possession, and management of any public park or fairgrounds by such nonprofit corporation during the period of the contract. When such use, possession, and management is granted, the board may also allocate to such nonprofit corporation such sum of money it deems necessary to be used for any purpose incidental to the fair. If such contract involves the use of property acquired with money derived from the state or if the contract contemplates the use of money allocated or appropriated by the state for such fair, the contract shall be subject to approval by the Department of Agriculture. If such county desires to receive an allocation under the provisions of Section 92 of the Agricultural Code, the corporation shall submit an annual budget to the State Department of Agriculture, showing the estimated revenues and the proposed expenditures from all sources during the ensuing calendar year, which budget shall first be approved by the board of supervisors, and shall be considered as complying with the provisions of Part 4 (commencing with Section 4401) of Division 3 of the Agricultural Code relating to budgets. The corporation shall also observe any other provisions of law relating to county fairs as a condition necessary for the county to receive an allocation of state money for fair purposes. Upon the dissolution of any such corporation all property and assets thereof within the county with which it contracts shall be paid to such county.

SEC. 50. Section 26150 of the Government Code is amended to read:

26150. County free libraries may be constructed, leased, built, rebuilt, furnished, refurnished, or repaired pursuant to the Education Code, or pursuant to this part; provided that, in counties wherein a union high school library district maintaining a district free public library was established prior to June 30, 1912, county free libraries shall be constructed, leased, built, rebuilt, furnished, refurnished or repaired pursuant to Section 27264 of the Education Code until such time as the union high school library district elects to become a part of the county free library system.

SEC. 51. Section 26803.5 of the Government Code is amended to read:

26803.5. Each regulation and order of repeal of a regulation filed with a county clerk pursuant to Article 2 (commencing with Section 11380) of Chapter 4.5, Part 1, Division 3, Title 2, of this code shall be retained in an active file, available for public inspection, until receipt by the county clerk of the next California Administrative Register or supplement to the

California Administrative Code in which such regulation, order of repeal or notice thereof, is published.

The county clerk shall at all times keep a complete current set of the California Administrative Code, and the California Administrative Register available for public inspection.

If the county clerk of any county in this state is satisfied that the code and register will be maintained in accordance with the requirements of this section, he may delegate the authority to receive filings on his behalf and to maintain the code and register on his behalf to a paid county law librarian or to the librarian in charge of the county library.

SEC. 52. Section 27206 of the Government Code is amended to read:

27206. The county recorder may destroy federal tax liens together with any release of said liens eight years after the lien was filed in his office; provided, a microfilm copy of each unreleased tax lien has been made and certified in the manner provided for in Section 1551 of the Evidence Code. All film used in the microphotography process shall comply with the minimum standards of quality approved by the United States Bureau of Standards. The original copy of the microfilm shall be kept in a safe and separate place for security purposes. A true copy of such film shall be arranged in a suitable place in the office of the recorder for public inspection.

SEC. 53. Section 29917 of the Government Code is amended to read:

29917. The bonds shall be signed by the chairman of the board of supervisors or by such other member thereof as the board of supervisors shall, by resolution adopted by a four-fifths vote of all its members, authorize and designate for that purpose, and also signed by the treasurer or auditor of the county, and shall be countersigned by the clerk thereof. The coupons of said bonds shall be signed by the treasurer or auditor. All such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced except that one of said signatures or countersignatures to said bonds shall be manually affixed. Any such signature may be affixed in accordance with the provisions of the Uniform Facsimile Signatures of Public Officials Act, Chapter 6 (commencing with Section 5500) of Division 6 of Title 1 of the Government Code.

SEC. 54. Section 30200 of the Government Code is amended to read:

30200. The State Controller shall prescribe uniform accounting procedures for counties under this division. The procedures shall be adopted under the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code and published in the California Administrative Code. The State Controller shall prescribe such procedures only after consultation with and approval by the Committee on County Accounting Procedures. Approval of such procedures shall be by a majority vote of the members

present at a meeting of the committee called by the chairman thereof.

SEC. 55. Section 31681.51 of the Government Code, as added by Chapter 671 of the Statutes of 1967, is repealed.

SEC. 56. Section 31681.51 of the Government Code, as added by Chapter 892 of the Statutes of 1967, is amended to read:

31681.51. Every retirement allowance or optional death allowance (including an allowance payable to a survivor of a member) payable to or on account of any member of this system or of a superseded system who has been or was retired for service is hereby increased as follows:

Period during which retirement became effective	Percentage of increase in monthly retirement allowance
On or prior to June 30, 1962	10%
12 months ended June 30, 1963	8%
12 months ended June 30, 1964	6%
12 months ended June 30, 1965	4%
12 months ended June 30, 1966	2%

In no event shall any allowance be increased by an amount greater than fifty dollars ($50) a month nor less than ten dollars ($10) a month.

This section shall not be operative in any county until such time as the board of supervisors shall, by ordinance adopted by majority vote, make the provisions of this section applicable in such county.

SEC. 57. Section 31739.31 of the Government Code, as added by Chapter 671 of the Statutes of 1967, is repealed.

SEC. 58. Section 35275 of the Government Code is amended to read:

35275. At the time set for the hearing, the board of supervisors shall hear and pass upon all protests so made:

(a) If privately owned property and no publicly owned property is proposed to be transferred, further proceedings shall not be taken if protest is made by private owners of one-half of the value of the territory proposed to be transferred. The value given such property for protest purposes shall be that shown on the last equalized assessment roll if the property is not exempt from taxation. If the property is exempt from taxation, its value for protest purposes shall be determined by the county assessor in the same amount as he would assess such property if it were not exempt from taxation.

(b) If privately owned property and publicly owned property are proposed to be transferred in the same proceeding, further proceedings shall not be taken if protest is made by public and private owners of one-half of the value of the territory. The value given privately owned property shall be determined pursuant to subdivision (a) of this section. The value given publicly owned property for protest purposes shall

be determined by the county assessor in the same manner as is provided in subdivision (a) of this section for privately owned property, exempt from taxation.

(c) As used in this article, "value of the territory" means the value of land and improvements thereon.

(d) The value for protest purposes to be given property held in joint tenancy or tenancy in common shall be determined by the legislative body in proportion to the proportionate interest of the protestant in such property.

(e) When property is subject to a written recorded agreement to buy, the purchaser under the agreement may protest and the seller may not even though he is shown as the owner on the last equalized assessment roll.

Determinations of the value of publicly owned property, or privately owned property exempt from taxation by the county assessor for protest purposes shall be obtained from the assessor by the protestant and submitted to the board of supervisors with the written protest.

SEC. 59. Section 37380 of the Government Code is amended to read:

37380. A city may lease property owned or held or controlled by it, or any of its departments for not to exceed 55 years.

SEC. 60. Section 53095 of the Government Code is amended to read:

53095. The provisions of this article shall prevail over Section 15004 of the Education Code and over Section 65402 of the Government Code.

SEC. 61. Section 68073 of the Government Code is amended to read:

68073. In each county the board of supervisors shall provide suitable rooms for holding the superior, municipal and justice courts, for the chambers of the judges of said courts and for court attendants, together with sufficient attendants, heat, light, furniture, furnishings, equipment, stationery, supplies, and other personal property, for said rooms and chambers and for the transaction of the business of the courts. Prior to the construction of new court facilities, the board of supervisors shall submit proposed plans to the judge or judges of the affected court for review and recommendation as to the adequacy and standard of design and such review and recommendation shall not be disregarded without reasonable grounds.

If the board of supervisors of any county does not provide suitable rooms for holding the superior, municipal or justice courts, for the chambers of the judges of said courts and for the court attendants, together with sufficient attendants, furniture, furnishings, heat, light, equipment, stationery, supplies and other personal property, for said rooms and chambers and for the transaction of the business of the courts, the courts or the judge or judges of such courts may direct the sheriff of the county to provide the same. The expenses incurred in pro-

viding the same, certified by the judge or judges to be correct, are a charge against the county treasury, and shall be paid out of the general fund.

This section shall not be construed as authorizing the county to supply to the official reporters of the courts Stenograph, Stenotype or other shorthand machines; nor as authorizing the county to supply to the official reporters of the courts, for use in the preparation of transcripts, typewriters, transcribing equipment, supplies or other personal property.

SEC. 62. Section 71610 of the Government Code is amended to read:

71610. No judge of a justice court who is paid a salary shall draw or receive any monthly salary unless he makes and subscribes an affidavit before an officer entitled to administer oaths that no cause in his court, which has been submitted for decision for a period of 30 days, remains pending and undecided, that he has complied with the provisions of Sections 1802 and 1803 of the Vehicle Code and that he has reported to the Judicial Council at the times and in the manner requested by the chairman of the council concerning the condition, and manner of disposal, of judicial business in his court.

SEC. 63. Section 72304 of the Government Code is amended to read:

72304. Any commissioner of such court may exercise all of the powers and duties provided for in this article for the clerk relating to bail and the discharge of defendants under bail, and the authority to fix the amount of bail in cases of misdemeanor defined in the Vehicle Code and to endorse it upon the notice for the appearance of the defendant as provided by Section 40511 of the Vehicle Code. Nothing in this article shall be construed to reduce or limit the powers or authority of such commissioners otherwise provided by law.

CHAPTER 450

An act to amend Section 1258 of the Civil Code and Sections 580a, 726, and 1266.2 of the Code of Civil Procedure, relating to condemnation and foreclosure proceedings.

[Approved by Governor July 2, 1968. Filed with Secretary of State July 2, 1968.]

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

SECTION 1. Section 1258 of the Civil Code is amended to read:

1258. The court must fix the compensation of the appraisers in an amount as determined by the court to be reasonable, but such fees shall not exceed similar fees for similar services in the community where such services are rendered.

SEC. 2. Section 580a of the Code of Civil Procedure is amended to read:

580a. Whenever a money judgment is sought for the balance due upon an obligation for the payment of which a deed of trust or mortgage with power of sale upon real property or any interest therein was given as security, following the exercise of the power of sale in such deed of trust or mortgage, the plaintiff shall set forth in his complaint the entire amount of the indebtedness which was secured by said deed of trust or mortgage at the time of sale, the amount for which such real property or interest therein was sold and the fair market value thereof at the date of sale and the date of such sale. Upon the application of either party made at least 10 days before the time of trial the court shall, and upon its own motion the court at any time may, appoint one of the inheritance tax appraisers provided for by law to appraise the property or the interest therein sold as of the time of sale. Such appraiser shall file his appraisal with the clerk and the same shall be admissible in evidence. Such appraiser shall take and subscribe an oath to be attached to the appraisal that he has truly, honestly and impartially appraised the property to the best of his knowledge and ability. Any appraiser so appointed may be called and examined as a witness by any party or by the court itself. The court must fix the compensation of such appraiser in an amount as determined by the court to be reasonable, but such fees shall not exceed similar fees for similar services in the community where such services are rendered, which may be taxed and allowed in like manner as other costs. Before rendering any judgment the court shall find the fair market value of the real property, or interest therein sold, at the time of sale. The court may render judgment for not more than the amount by which the entire amount of the indebtedness due at the time of sale exceeded the fair market value of the real property or interest therein sold at the time of sale with interest thereon from the date of the sale; provided, however, that in no event shall the amount of said judgment, exclusive of interest after the date of sale, exceed the difference between the amount for which the property was sold and the entire amount of the indebtedness secured by said deed of trust or mortgage. Any such action must be brought within three months of the time of sale under such deed of trust or mortgage. No judgment shall be rendered in any such action until the real property or interest therein has first been sold pursuant to the terms of such deed of trust or mortgage, unless such real property or interest therein has become valueless.

SEC. 3. Section 726 of the Code of Civil Procedure is amended to read:

726. There can be but one form of action for the recovery of any debt, or the enforcement of any right secured by mortgage upon real property, which action must be in accordance

with the provisions of this chapter. In such action the court may, by its judgment, direct the sale of the encumbered property (or so much thereof as may be necessary), and the application of the proceeds of the sale to the payment of the costs of court, and the expenses of the sale, and the amount due plaintiff, including, where the mortgage provides for the payment of attorney's fees, such sum for such fees as the court shall find reasonable, not exceeding the amount named in the mortgage.

The court may, by its judgment, or at any time after judgment, appoint a commissioner to sell the encumbered property. It must require of him an undertaking in an amount fixed by the court, with sufficient sureties, to be approved by the judge, to the effect that the commissioner will faithfully perform the duties of his office according to law. Before entering upon the discharge of his duties he must file such undertaking, so approved, together with his oath that he will faithfully perform the duties of his office.

The decree for the foreclosure of a mortgage or deed of trust secured by real property or any interest therein shall declare the amount of the indebtedness or right so secured and, unless judgment for any deficiency there may be between the sale price and the amount due with costs is waived by the judgment creditor or a deficiency judgment is prohibited by Section 580b, shall determine the personal liability of any defendant for the payment of the debt secured by such mortgage or deed of trust and shall name such defendants against whom a deficiency judgment may be ordered following the proceedings hereinafter prescribed. In the event of such waiver, or if the prohibition of Section 580b is applicable the decree shall so declare and there shall be no judgment for a deficiency. In the event that a deficiency is not waived or prohibited and it is decreed that any defendant is personally liable for such debt, then upon application of the plaintiff filed at any time within three months of the date of the foreclosure sale and after a hearing thereon at which the court shall take evidence and at which hearing either party may present evidence as to the fair value of the property or the interest therein sold as of the date of sale, the court shall render a money judgment against such defendant or defendants for the amount by which the amount of the indebtedness with interest and costs of sale and of action exceeds the fair value of the property or interest therein sold as of the date of sale; provided, however, that in no event shall the amount of said judgment, exclusive of interest from the date of sale and of costs exceed the difference between the amount for which the property was sold and the entire amount of the indebtedness secured by said mortgage or deed of trust. Notice of such hearing must be served upon all defendants who have appeared in the action and against whom a deficiency judgment is sought, or upon their attorneys of record, at least 15 days before the date set for such hearing.

Upon application of any party made at least 10 days before the date set for such hearing the court shall, and upon its own motion the court at any time may, appoint one of the inheritance tax appraisers provided for by law to appraise the property or the interest therein sold as of the time of sale. Such appraiser shall file his appraisal with the clerk and the same shall be admissible in evidence. Such appraiser shall take and subscribe an oath to be attached to the appraisal that he has truly, honestly and impartially appraised the property to the best of his knowledge and ability Any appraiser so appointed may be called and examined as a witness by any party or by the court itself. The court must fix the compensation, in an amount as determined by the court to be reasonable, but such fees shall not exceed similar fees for similar services in the community where such services are rendered, which may be taxed and allowed in like manner as other costs.

No person holding a conveyance from or under the mortgagor of the property mortgaged, or having a lien thereon, which conveyance or lien does not appear of record in the proper office at the time of the commencement of the action need be made a party to such action, and the judgment therein rendered, and the proceedings therein had, are as conclusive against the party holding such unrecorded conveyance or lien as if he had been a party to the action.

If the court appoint a commissioner for the sale of the property, he must sell it in the manner provided by law for the sale of like property by the sheriff upon execution; and the provisions of Chapter 1 (commencing with Section 681), Title 9, Part 2, of this code are hereby made applicable to sale made by such commissioner, and the powers therein given and the duties therein imposed on sheriffs are extended to such commissioner.

In all cases heretofore, now or hereafter pending in the courts of this state, in the event of the death, absence from the state, other disability or disqualification of the commissioner appointed to sell encumbered property under the foregoing provisions of this section, the court may, upon the happening of either the death, absence from the state, other disability or disqualification of the commissioner, appoint an elisor to perform the duties of such commissioner which are then to be performed in such action. The elisor so appointed shall give the undertaking, and take the oath hereinbefore provided to be given and taken by a commissioner, before entering upon the discharge of his duties, and shall thereafter perform all duties left unperformed by the commissioner whom he is appointed to succeed, with like effect as if such duties had been performed by the commissioner.

If the land mortgaged consists of a single parcel, or two or more contiguous parcels, situated in two or more counties, the court may, in its judgment, direct the whole thereof to be sold in one of such counties by the sheriff, commissioner or elisor, as the case may be, and upon such proceedings, and with like

effect, as if the whole of the property were situated in that county.

SEC. 4. Section 1266.2 of the Code of Civil Procedure is amended to read:

1266.2. In any action or proceeding for the purpose of condemning property where the court may appoint appraisers, referees, commissioners, or other persons for the purpose of determining the value of such property and fixing the compensation thereof, and may fix their fees or compensation, the court may set such fees or compensation in an amount as determined by the court to be reasonable, but such fees shall not exceed similar fees for similar services in the community where such services are rendered.

CHAPTER 451

An act to add Sections 4112.1, 4318 and 4319 to the Welfare and Institutions Code, relating to state hospitals.

[Approved by Governor July 2, 1968. Filed with Secretary of State July 2, 1968.]

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

SECTION 1. Section 4112.1 is added to the Welfare and Institutions Code, to read:

4112.1. Section 4112 does not apply to the funds known as the "sheltered workshop funds."

SEC. 2. Section 4318 is added to the Welfare and Institutions Code, to read:

4318. Subject to rules and regulations adopted by the department, the superintendent and medical director may establish a sheltered workshop at a state hospital to provide patients with remunerative work performed in a setting which simulates that of industry and is performed in such a manner as to meet standards of industrial quality. The workshop shall be so operated as to provide the treatment staff with a realistic atmosphere for assessing patients' capabilities in work settings, and to provide opportunities to strengthen and expand patient interests and aptitudes.

SEC. 3. Section 4319 is added to the Welfare and Institutions Code, to read:

4319. At each state hospital at which there is established a sheltered workshop, there shall be a sheltered workshop fund administered by the superintendent and medical director. The fund shall be used for the purchase of materials, for the purchase or rental of equipment needed in the manufacturing, fabricating, or assembly of products, for the payment of remuneration to patients engaged in work at the workshop, and for the payment of such other costs of the operation of the workshop as may be directed by the superintendent and medi-

cal director. The superintendent and medical director may cause the raw materials, goods in process, finished products, and equipment necessary for the production thereof to be insured against any and all risks of loss, subject to the approval of the Department of General Services. The costs of such insurance shall be paid from the sheltered workshop fund.

All money received from the manufacture, fabrication, assembly, or distribution of products at any state hospital sheltered workshop shall be deposited and credited to the hospital's sheltered workshop fund.

CHAPTER 452

An act to amend Section 1803.2 of, and to add Sections 1803.10 and 2982.1 to, the Civil Code, relating to sales.

[Approved by Governor July 2, 1968. Filed with Secretary of State July 2, 1968.]

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

SECTION 1. Section 1803.2 of the Civil Code is amended to read:

1803.2. Except as provided in Sections 1803.9 and 1808.3, every retail installment contract shall be contained in a single document which shall contain:

(a) The entire agreement of the parties with respect to the cost and terms of payment for the goods and services, including any promissory notes or any other evidences of indebtedness between the parties relating to the transaction.

(b) Either at the top of the contract or directly above the space reserved for the signature of the buyer, the words "Security Agreement" or "Lien Contract," as the case may be, shall appear in at least 10-point bold type where a security interest in the goods is retained or a lien on other goods or realty is obtained by the seller as security for the goods or services purchased. Either at the top of the contract or directly above the space reserved for the signature of the buyer, the words "Retail Installment Contract" shall appear in at least 10-point bold type where security is not obtained by the seller for the goods or services purchased.

(c) A notice in a least eight-point bold type reading as follows: "Notice to the buyer: (1) Do not sign this agreement before you read it or if it contains any blank space. (2) You are entitled to a completely filled-in copy of this agreement. (3) Under the law, you have the right to pay off in advance the full amount due and under certain conditions to obtain a partial refund of the service charge."

SEC. 2. Section 1803.10 is added to the Civil Code, to read:

1803.10. It shall be unlawful for any seller to induce or attempt to induce any person to enter into a contract subject to

this act by offering a rebate, discount, commission, or other consideration, contingent upon the happening of a future event, on the condition that the buyer either sells, or gives information or assistance for the purpose of leading to a sale by the seller of, the same or related goods.

SEC 3. Section 2982.1 is added to the Civil Code, to read:

2982.1. It shall be unlawful for any seller to induce or attempt to induce any person to enter into a contract subject to this chapter by offering a rebate, discount, commission, or other consideration, contingent upon the happening of a future event, on the condition that the buyer either sells, or gives information or assistance for the purpose of leading to a sale by the seller of, the same or related goods.

CHAPTER 453

An act to add Section 13125.5 to the Education Code, relating to certificated employees.

[Approved by Governor July 2, 1968 Filed with Secretary of State July 2, 1968]

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

SECTION 1. Section 13125.5 is added to the Education Code, to read:

13125.5. No person otherwise qualified shall be denied the right to receive credentials issued by the State Board of Education, to receive training for the purpose of becoming a teacher, or to engage in practice teaching in any school, on the ground he has physical deformities; provided, that such physical deformities do not constitute a health hazard to other persons with whom he may become associated.

CHAPTER 454

An act to add Section 7107 to the Elections Code, relating to elections.

[Approved by Governor July 2, 1968 Filed with Secretary of State July 2, 1968]

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

SECTION 1. Section 7107 is added to the Elections Code, to read:

7107. Notwithstanding any other provision of law, no person shall file nomination papers for more than one county office of the same county or more than one city office of the same city at the same election.

CHAPTER 455

An act to amend Sections 2921 and 2982 of the Business and Professions Code, relating to psychologists.

[Approved by Governor July 2, 1968 Filed with Secretary of State July 2, 1968.]

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

SECTION 1. Section 2921 of the Business and Professions Code is amended to read:

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 one year 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.

SEC. 2. Section 2982 of the Business and Professions Code is amended to read:

2982. Licenses issued before January 1, 1969, 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.

CHAPTER 456

An act to add Section 12.5 to the Monterey Peninsula Airport District Act (Chapter 52 of the Statutes of 1941), relating to airport districts.

[Approved by Governor July 2, 1968 Filed with Secretary of State July 2, 1968.]

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

SECTION 1. Section 12.5 is added to the Monterey Peninsula Airport District Act (Chapter 52 of the Statutes of 1941), to read:

Sec. 12.5. Notwithstanding any other provision of law, 50 percent of all fines or forfeitures collected for violations of district ordinances shall be transferred, once a month, by the county treasurer to the account of the district.

CHAPTER 457

An act to amend Sections 146, 163.5, and 171a of, and to add Sections 164.6, 164.7, and 169.3 to, the Civil Code, relating to married persons, including their community property and tort liability.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

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

146. In case of the dissolution of the marriage by decree of a court of competent jurisdiction or in the case of judgment or decree for separate maintenance of the husband or the wife without dissolution of the marriage, the court shall make an order for disposition of the community property and the quasi-community property and for the assignment of the homestead as follows:

(a) Except as otherwise provided in subdivision (c), if the decree is rendered on the ground of adultery, incurable insanity or extreme cruelty, the community property and quasi-community property shall be assigned to the respective parties in such proportions as the court, from all the facts of the case, and the conditions of the parties, may deem just.

(b) Except as otherwise provided in subdivision (c), if the decree be rendered on any other ground than that of adultery, incurable insanity or extreme cruelty, the community property and quasi-community property shall be equally divided between the parties.

(c) Without regard to the ground on which the decree is rendered or to which party is granted the divorce or separate maintenance, community property personal injury damages shall be assigned to the party who suffered the injuries unless the court, after taking into account the economic condition and needs of each party, the time that has elapsed since the recovery of the damages, and all other facts of the case, determines that the interests of justice require another disposition, in which case the community property personal injury damages shall be assigned to the respective parties in such proportions as the court determines to be just under the facts of the case, but in no event shall more than one-half of the community property personal injury damages be assigned to the spouse of the party who suffered the injuries. As used in

this subdivision, "community property personal injury damages" means all money or other property received by a married person as community property in satisfaction of a judgment for damages for his or her personal injuries or pursuant to an agreement for the settlement or compromise of a claim for such damages, unless such money or other property has been commingled with other community property.

(d) If a homestead has been selected from the community property or the quasi-community property, it may be assigned to the party to whom the divorce or decree of separate maintenance is granted, or, in cases where a divorce or decree of separate maintenance is granted upon the ground of incurable insanity, to the party against whom the divorce or decree of separate maintenance is granted. The assignment may be either absolutely or for a limited period, subject, in the latter case, to the future disposition of the court, or it may, in the discretion of the court, be divided, or be sold and the proceeds divided.

(e) If a homestead has been selected from the separate property of either, in cases in which the decree is rendered upon any ground other than incurable insanity, it shall be assigned to the former owner of such property, subject to the power of the court to assign it for a limited period to the party to whom the divorce or decree of separate maintenance is granted, and in cases where the decree is rendered upon the ground of incurable insanity, it shall be assigned to the former owner of such property, subject to the power of the court to assign it to the party against whom the divorce or decree of separate maintenance is granted for a term of years not to exceed the life of such party.

This section shall not limit the power of the court to make temporary assignment of the homestead at any stage of the proceedings.

Whenever necessary to carry out the purpose of this section, the court may order a partition or sale of the property and a division or other disposition of the proceeds.

SEC. 2. Section 163.5 of the Civil Code is amended to read:

163.5. All money or other property paid by or on behalf of a married person to his spouse in satisfaction of a judgment for damages for personal injuries to the spouse or pursuant to an agreement for the settlement or compromise of a claim for such damages is the separate property of the injured spouse.

SEC. 3. Section 164.6 is added to the Civil Code, to read:

164.6. If a married person is injured by the negligent or wrongful act or omission of a person other than his spouse, the fact that the negligent or wrongful act or omission of the spouse of the injured person was a concurring cause of the injury is not a defense in any action brought by the injured person to recover damages for such injury except in cases where such concurring negligent or wrongful act or omission would be a defense if the marriage did not exist.

SEC. 4. Section 164.7 is added to the Civil Code, to read:

164.7. (a) Where an injury to a married person is caused in whole or in part by the negligent or wrongful act or omission of his spouse, the community property may not be used to discharge the liability of the tortfeasor spouse to the injured spouse or his liability to make contribution to any joint tortfeasor until the separate property of the tortfeasor spouse, not exempt from execution, is exhausted.

(b) This section does not prevent the use of community property to discharge a liability referred to in subdivision (a) if the injured spouse gives written consent thereto after the occurrence of the injury.

(c) This section does not affect the right to indemnity provided by any insurance or other contract to discharge the tortfeasor spouse's liability, whether or not the consideration given for such contract consisted of community property.

SEC. 5. Section 169.3 is added to the Civil Code, to read:

169.3. (a) All money or other property received by a married person in satisfaction of a judgment for damages for his personal injuries or pursuant to an agreement for the settlement or compromise of a claim for such damages is the separate property of the injured person if such money or other property is received:

(1) After the rendition of a judgment or decree of separate maintenance;

(2) After the rendition of an interlocutory judgment of divorce and while the injured person and his spouse are living separate and apart;

(3) While the wife, if she is the injured person, is living separate from her husband; or

(4) After the wife has abandoned her husband, if he is the injured person, and before she has offered to return, unless her abandoning him was justified by his misconduct.

(b) Notwithstanding subdivision (a), if the spouse of the injured person has paid expenses by reason of his spouse's personal injuries from his separate property or from the community property subject to his management and control, he is entitled to reimbursement of his separate property or the community property subject to his management and control for such expenses from the separate property received by his spouse under subdivision (a).

SEC. 6. Section 171a of the Civil Code is amended to read:

171a. (a) A married person is not liable for any injury or damage caused by the other spouse except in cases where he would be liable therefor if the marriage did not exist.

(b) The liability of a married person for death or injury to person or property may be satisfied only from the separate property of such married person and the community property of which he has the management and control.

SEC. 7. This act does not confer or impair any right or defense arising out of any death or injury to person or property occurring prior to the effective date of this act.

CHAPTER 458

An act to amend Sections 168 and 171c of the Civil Code, relating to community property.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 168 of the Civil Code is amended to read:

168. The earnings and community property personal injury damages of the wife are not liable for the debts of the husband; but, except as otherwise provided by law, such earnings and damages shall be liable for the payment of debts, heretofore or hereafter contracted by the husband or wife for the necessities of life furnished to them or either of them while they are living together. As used in this section, "community property personal injury damages" has the meaning given that term by subdivision (c) of Section 146.

SEC. 2. Section 171c of the Civil Code is amended to read:

171c. Notwithstanding the provisions of Section 161a and 172 of this code, the wife has the management and control of the community personal property earned by her, and the community personal property received by her in satisfaction of a judgment for damages for personal injuries suffered by her or pursuant to an agreement for the settlement or compromise of a claim for such damages, until it is commingled with community property subject to the management and control of the husband, except that the husband may use such community property received as damages or in settlement or compromise of a claim for such damages to pay for expenses incurred by reason of the wife's personal injuries and to reimburse his separate property or the community property subject to his management and control for expenses paid by reason of the wife's personal injuries.

The wife may not make a gift of the community property under her management and control, or dispose of the same without a valuable consideration, without the written consent of the husband. The wife may not make a testamentary disposition of such community property except as otherwise permitted by law.

This section shall not be construed as making such earnings or damages or property received in settlement or compromise of such damages the separate property of the wife, nor as changing the respective interests of the husband and wife in such community property, as defined in Section 161a of this code.

SEC. 3. This act shall become effective only if Senate Bill No. 19 is enacted by the Legislature at its 1968 Regular Session, and in such case this act shall take effect at the same time that Senate Bill No. 19 takes effect.

CHAPTER 459

An act to amend Section 24074 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 24074 of the Business and Professions Code is amended to read:

24074. Before the filing of such a transfer application with the department, if the intended transfer of the business or license involves a purchase price or consideration, the licensee and the intended transferee shall establish an escrow with some person, corporation, or association not a party to the transfer acting as escrow holder, and the intended transferee shall deposit with the escrow holder the full amount of the purchase price or consideration. The licensee and intended transferee shall also enter into an agreement, which agreement shall be deposited with the escrow holder, directing the escrow holder, after the requirements for transfer as provided in Section 24049 are satisfied, to pay out of the purchase price or consideration, the claims of the bona fide creditors of the licensee who file their claims with the escrow holder before the escrow holder is notified by the department of its approval of the transfer of the license or if the purchase price or consideration is not sufficient to pay the claims in full, to distribute the consideration as follows:

First, To the payment of claims of secured creditors to the extent of the proceeds which arise from the sale of the security;

Second, To the United States for claims based on income or withholding taxes; and thereafter for claims based on any tax other than taxes specified in Section 24049;

Third, To the payment of claims for wages and salaries earned not more than 90 days prior to the transfer of the license and to the payment of claims on mechanics' liens;

Fourth, To the payment of escrow fees and the payment of claims for prevailing brokerage fees for services rendered and claims for reasonable attorney's fees for services rendered;

Fifth, To the payment of claims for goods sold and delivered to the transferor for resale at his license premises;

Sixth, To the payment of all other claims. The last category of creditors for whom there are not sufficient assets available for the payment of the claim in full, shall be paid pro rata.

If the transferor licensee disputes any claim, the amount or pro rata amount thereof shall be retained by the escrow holder for a period of 25 days, and if not attached shall be

paid to the transferor licensee. The agreement shall also provide that the escrow holder shall make the payment or distribution within a reasonable time after the completion of the transfer of the license.

CHAPTER 460

An act to amend Section 1193 of the Code of Civil Procedure, relating to works of improvement.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 1193 of the Code of Civil Procedure is amended to read:

1193. (a) Except one under direct contract with the owner or one performing actual labor for wages, every person who furnishes labor, service, equipment or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the owner or reputed owner, to the original contractor or reputed contractor, and to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by this section.

(b) All persons having a direct contract with the owner, except the contractor or one performing actual labor for wages, who furnishes labor, service, equipment, or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by subdivision (c) of this section.

(c) The preliminary notice referred to in subdivisions (a) and (b) above shall be given not later than 20 days after the claimant has first furnished labor, services, equipment, or materials to the jobsite and shall contain the following information:

1. A general description of the labor, service, equipment or materials furnished, or to be furnished, and if there is a construction lender, he shall be furnished with an estimate of the total price thereof in addition to the foregoing.

2. The name and address of such person furnishing such labor, services, equipment or materials.

3. The name of the person who contracted for purchase of such labor, services, equipment or materials.

4. A description of the jobsite sufficient for identification.

5. A statement that if bills are not paid in full for labor, services, equipment or materials furnished, or to be furnished, the improved property may be subject to mechanics' liens

If an invoice for such materials contains the information required by this section, a copy of such invoice, transmitted in the manner prescribed by this section, shall be sufficient notice.

(d) If labor, service, equipment, or materials have been furnished to a jobsite by a person who elected not to give a preliminary notice as provided in subdivision (a) or (b), such person shall not be precluded from giving a preliminary notice not later than 20 days after furnishing other labor, service, equipment, or materials to the same jobsite; provided, however, that such person shall be entitled to claim a lien and a notice to withhold only for such labor, service, equipment, or material furnished within 20 days prior to the service of such notice and at any time thereafter.

(e) Any agreement made or entered into by an owner whereby the owner agrees to waive the rights or privileges conferred upon him by this section shall be void and of no effect.

(f) Service of notice required under this section may be given by delivering the same to the person to be notified, personally, or by leaving it at his address or place of business with some person in charge, or by first-class mail, registered mail, or certified mail, postage prepaid, addressed to the person to whom notice is to be given, at his residence or place of business address, or at the address shown by the building permit on file with the authority issuing a building permit for the work. If the address of the person on whom notice was required to be served is not actually known, then service of such notice may be by first-class mail, registered mail, or certified mail addressed to the job site with the envelope setting forth the name of the owner or reputed owner, if known, or if not known, then merely "Owner," or to the person to whom a notice to withhold may be given, if known, or if not known, then to "Construction Lender," or to the original contractor, if known, or if not known, then to "General Contractor." When service is by registered or certified mail, service is complete at the time of the deposit of the registered or certified mail.

(g) A person required by this section to give notice to the owner and to an original contractor and to a person to whom a notice to withhold may be given, need give only one such notice to the owner, and to the original contractor and to the person to whom a notice to withhold may be given with respect to all materials, service, labor, or materials he furnishes for a work of improvement, which means the entire structure or scheme of improvements as a whole, unless the same is furnished under contracts with more than one subcontractor, in which event the notice requirements must be met with respect

to materials, services, labor, or equipment furnished to each such subcontractor.

If a notice contains a general description required by subdivision (a) or (b) of the materials, services, labor, or equipment furnished to the date of the notice, it is not defective because, after such date, the person giving notice furnishes materials, services, labor or equipment not within the scope of such general description.

(h) Where the cost of the work of improvement is in excess of two hundred dollars ($200), the failure of any contractor, licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, to give the notice provided for in this section constitutes grounds for disciplinary action by the Registrar of Contractors.

(i) The provisions of this section shall not apply to any public work which is subject to the notice provisions of Section 4210 of the Government Code.

(j) Every city, county, city and county, or other governmental authority issuing building permits shall, in its application form for a building permit, provide space and a designation for the applicant to enter the name, branch designation if any, and address of the construction lender and shall keep such information on file open for public inspection during the regular business hours of the authority.

If there is no known construction lender, that fact shall be noted in such designated space. Any failure to indicate the name and address of the construction lender on such application, however, shall not relieve any person from the obligation to give to such construction lender the notice required by this section.

SEC. 2. Section 1193 of the Code of Civil Procedure is amended to read:

1193. (a) Except one under direct contract with the owner or one performing actual labor for wages, every person who furnishes labor, service, equipment or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the owner or reputed owner, to the original contractor or reputed contractor, and to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by this section.

(b) All persons having a direct contract with the owner, except the contractor or one performing actual labor for wages, who furnish labor, service, equipment, or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the construction lender, if any, or

to the reputed construction lender, if any, a written preliminary notice as prescribed by subdivision (c) of this section.

(c) The preliminary notice referred to in subdivisions (a) and (b) above shall be given not later than 20 days after the claimant has first furnished labor, services, equipment, or materials to the jobsite and shall contain the following information:

1. A general description of the labor, service, equipment or materials furnished, or to be furnished, and if there is a construction lender, he shall be furnished with an estimate of the total price thereof in addition to the foregoing.

2. The name and address of such person furnishing such labor, services, equipment or materials.

3. The name of the person who contracted for purchase of such labor, services, equipment or materials.

4. A description of the jobsite sufficient for identification.

5. A statement that if bills are not paid in full for labor, services, equipment or materials furnished, or to be furnished, the improved property may be subject to mechanics' liens.

If an invoice for such materials contains the information required by this section, a copy of such invoice, transmitted in the manner prescribed by this section, shall be sufficient notice.

A certificated architect who has furnished services for the design of the work of improvement and who gives a preliminary notice as provided in this section not later than 20 days after the work of improvement has commenced shall be deemed to have complied with subdivisions (a) and (b) of this section with respect to architectural services furnished, or to be furnished.

(d) If labor, service, equipment, or materials have been furnished to a jobsite by a person who elected not to give a preliminary notice as provided in subdivision (a) or (b), such person shall not be precluded from giving a preliminary notice not later than 20 days after furnishing other labor, service, equipment, or materials to the same jobsite; provided, however, that such person shall be entitled to claim a lien and a notice to withhold only for such labor, service, equipment, or material furnished within 20 days prior to the service of such notice and at any time thereafter.

(e) Any agreement made or entered into by an owner whereby the owner agrees to waive the rights or privileges conferred upon him by this section shall be void and of no effect.

(f) Service of notice required under this section may be given by delivering the same to the person to be notified, personally, or by leaving it at his address or place of business with some person in charge, or by first-class mail, registered mail, or certified mail, postage prepaid, addressed to the person to whom notice is to be given, at his residence or place of business address, or at the address shown by the building permit on file with the authority issuing a building permit for the work. If the address of the person on whom notice was required

to be served is not actually known, then service of such notice may be by first-class mail, registered mail, or certified mail addressed to the jobsite with the envelope setting forth the name of the owner or reputed owner, if known, or if not known, then merely "Owner," or to the person to whom a notice to withhold may be given, if known, or if not known, then to "Construction Lender," or to the original contractor, if known, or if not known, then to "General Contractor." When service is by registered or certified mail, service is complete at the time of the deposit of the registered or certified mail.

(g) A person required by this section to give notice to the owner and to an original contractor and to a person to whom a notice to withhold may be given, need give only one such notice to the owner, and to the original contractor and to the person to whom a notice to withhold may be given with respect to all materials, service, labor, or equipment he furnishes for a work of improvement, which means the entire structure or scheme of improvements as a whole, unless the same is furnished under contracts with more than one subcontractor, in which event the notice requirements must be met with respect to materials, services, labor, or equipment furnished to each such subcontractor.

If a notice contains a general description required by subdivision (a) or (b) of the materials, services, labor, or equipment furnished to the date of the notice, it is not defective because, after such date, the person giving notice furnishes materials, services, labor or equipment not within the scope of such general description.

(h) Where the cost of the work of improvement is in excess of two hundred dollars ($200), the failure of any contractor, licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, to give the notice provided for in this section constitutes grounds for disciplinary action by the Registrar of Contractors.

(i) The provisions of this section shall not apply to any public work which is subject to the notice provisions of Section 4210 of the Government Code.

(j) Every city, county, city and county, or other governmental authority issuing building permits shall, in its application form for a building permit, provide space and a designation for the applicant to enter the name, branch designation if any, and address of the construction lender and shall keep such information on file open for public inspection during the regular business hours of the authority.

If there is no known construction lender, that fact shall be noted in such designated space. Any failure to indicate the name and address of the construction lender on such application, however, shall not relieve any person from the obligation to give to such construction lender the notice required by this section.

SEC. 3. Section 1193 of the Code of Civil Procedure is amended to read:

1193. (a) Except one under direct contract with the owner or one performing actual labor for wages, every person who furnishes labor, service, equipment or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the owner or reputed owner, to the original contractor or reputed contractor, and to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by this section.

(b) All persons having a direct contract with the owner, except the contractor or one performing actual labor for wages, who furnishes labor, service, equipment, or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by subdivision (c) of this section.

(c) The preliminary notice referred to in subdivisions (a) and (b) above shall be given not later than 20 days after the claimant has first furnished labor, services, equipment, or materials to the jobsite and shall contain the following information:

1. A general description of the labor, service, equipment or materials furnished, or to be furnished, and if there is a construction lender, he shall be furnished with an estimate of the total price thereof in addition to the foregoing.

2. The name and address of such person furnishing such labor, services, equipment or materials.

3. The name of the person who contracted for purchase of such labor, services, equipment or materials.

4. A description of the jobsite sufficient for identification.

5. A statement that if bills are not paid in full for labor, services, equipment or materials furnished, or to be furnished, the improved property may be subject to mechanics' liens.

If an invoice for such materials contains the information required by this section, a copy of such invoice, transmitted in the manner prescribed by this section, shall be sufficient notice.

(d) If labor, service, equipment, or materials have been furnished to a jobsite by a person who elected not to give a preliminary notice as provided in subdivision (a) or (b), such person shall not be precluded from giving a preliminary notice not later than 20 days after furnishing other labor, service, equipment, or materials to the same jobsite; provided, however, that such person shall be entitled to claim a lien and a notice to withhold only for such labor, service, equipment, or

material furnished within 20 days prior to the service of such notice and at any time thereafter.

(e) Any agreement made or entered into by an owner whereby the owner agrees to waive the rights or privileges conferred upon him by this section shall be void and of no effect.

(f) Service of notice required under this section may be given by delivering the same to the person to be notified, personally, or by leaving it at his address or place of business with some person in charge, or by first-class mail, registered mail, or certified mail, postage prepaid, addressed to the person to whom notice is to be given, at his residence or place of business address, or at the address shown by the building permit on file with the authority issuing a building permit for the work. If the address of the person on whom notice was required to be served is not actually known, then service of such notice may be by first-class mail, registered mail, or certified mail addressed to the jobsite with the envelope setting forth the name of the owner or reputed owner, if known, or if not known, then merely "Owner," or to the person to whom a notice to withhold may be given, if known, or if not known, then to "Construction Lender," or to the original contractor, if known, or if not known, then to "General Contractor." When service is by registered or certified mail, service is complete at the time of the deposit of the registered or certified mail.

(g) A person required by this section to give notice to the owner and to an original contractor and to a person to whom a notice to withhold may be given, need give only one such notice to the owner, and to the original contractor and to the person to whom a notice to withhold may be given with respect to all materials, service, labor, or materials he furnishes for a work of improvement, which means the entire structure or scheme of improvements as a whole, unless the same is furnished under contracts with more than one subcontractor, in which event the notice requirements must be met with respect to materials, services, labor, or equipment furnished to each such subcontractor.

If a notice contains a general description required by subdivision (a) or (b) of the materials, services, labor, or equipment furnished to the date of the notice, it is not defective because, after such date, the person giving notice furnishes materials, services, labor or equipment not within the scope of such general description.

(h) Where the contract price to be paid to any subcontractor on a particular work of improvement exceeds four hundred dollars ($400), the failure of that contractor, licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, to give the notice provided for in this section constitutes grounds for disciplinary action by the Registrar of Contractors.

(i) The provisions of this section shall not apply to any public work which is subject to the notice provisions of Section 4210 of the Government Code.

(j) Every city, county, city and county, or other governmental authority issuing building permits shall, in its application form for a building permit, provide space and a designation for the applicant to enter the name, branch designation if any, and address of the construction lender and shall keep such information on file open for public inspection during the regular business hours of the authority.

If there is no known construction lender, that fact shall be noted in such designated space. Any failure to indicate the name and address of the construction lender on such application, however, shall not relieve any person from the obligation to give to such construction lender the notice required by this section.

SEC. 4. Section 1193 of the Code of Civil Procedure is amended to read:

1193. (a) Except one under direct contract with the owner or one performing actual labor for wages, every person who furnishes labor, service, equipment or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the owner or reputed owner, to the original contractor or reputed contractor, and to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by this section.

(b) All persons having a direct contract with the owner, except the contractor or one performing actual labor for wages, who furnish labor, service, equipment, or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by subdivision (c) of this section.

(c) The preliminary notice referred to in subdivisions (a) and (b) above shall be given not later than 20 days after the claimant has first furnished labor, services, equipment, or materials to the jobsite and shall contain the following information:

1. A general description of the labor, service, equipment or materials furnished, or to be furnished, and if there is a construction lender, he shall be furnished with an estimate of the total price thereof in addition to the foregoing.

2. The name and address of such person furnishing such labor, services, equipment or materials.

3. The name of the person who contracted for purchase of such labor, services, equipment or materials.

4. A description of the jobsite sufficient for identification.

5. A statement that if bills are not paid in full for labor, services, equipment or materials furnished, or to be furnished, the improved property may be subject to mechanics' liens.

If an invoice for such materials contains the information required by this section, a copy of such invoice, transmitted in the manner prescribed by this section, shall be sufficient notice.

A certificated architect who has furnished services for the design of the work of improvement and who gives a preliminary notice as provided in this section not later than 20 days after the work of improvement has commenced shall be deemed to have complied with subdivisions (a) and (b) of this section with respect to architectural services furnished, or to be furnished.

(d) If labor, service, equipment, or materials have been furnished to a jobsite by a person who elected not to give a preliminary notice as provided in subdivision (a) or (b), such person shall not be precluded from giving a preliminary notice not later than 20 days after furnishing other labor, service, equipment, or materials to the same jobsite; provided, however, that such person shall be entitled to claim a lien and a notice to withhold only for such labor, service, equipment, or material furnished within 20 days prior to the service of such notice and at any time thereafter.

(e) Any agreement made or entered into by an owner whereby the owner agrees to waive the rights or privileges conferred upon him by this section shall be void and of no effect.

(f) Service of notice required under this section may be given by delivering the same to the person to be notified, personally, or by leaving it at his address or place of business with some person in charge, or by first-class mail, registered mail, or certified mail, postage prepaid, addressed to the person to whom notice is to be given, at his residence or place of business address, or at the address shown by the building permit on file with the authority issuing a building permit for the work. If the address of the person on whom notice was required to be served is not actually known, then service of such notice may be by first-class mail, registered mail, or certified mail addressed to the jobsite with the envelope setting forth the name of the owner or reputed owner, if known, or if not known, then merely "Owner," or to the person to whom a notice to withhold may be given, if known, or if not known, then to "Construction Lender," or to the original contractor, if known, or if not known, then to "General Contractor." When service is by registered or certified mail, service is complete at the time of the deposit of the registered or certified mail.

(g) A person required by this section to give notice to the owner and to an original contractor and to a person to whom

a notice to withhold may be given, need give only one such notice to the owner, and to the original contractor and to the person to whom a notice to withhold may be given with respect to all materials, service, labor, or materials he furnishes for a work of improvement, which means the entire structure or scheme of improvements as a whole, unless the same is furnished under contracts with more than one subcontractor, in which event the notice requirements must be met with respect to materials, services, labor, or equipment furnished to each such subcontractor.

If a notice contains a general description required by subdivision (a) or (b) of the materials, services, labor, or equipment furnished to the date of the notice, it is not defective because, after such date, the person giving notice furnishes materials, services, labor or equipment not within the scope of such general description.

(h) Where the contract price to be paid to any subcontractor on a particular work of improvement exceeds four hundred dollars ($400), the failure of that contractor, licensed under Chapter 9 (commending with Section 7000) of Division 3 of the Business and Professions Code, to give the notice provided for in this section constitutes grounds for disciplinary action by the Registrar of Contractors.

(i) The provisions of this section shall not apply to any public work which is subject to the notice provisions of Section 4210 of the Government Code.

(j) Every city, county, city and county, or other governmental authority issuing building permits shall, in its application form for a building permit, provide space and a designation for the applicant to enter the name, branch designation if any, and address of the construction lender and shall keep such information on file open for public inspection during the regular business hours of the authority.

If there is no known construction lender, that fact shall be noted in such designated space. Any failure to indicate the name and address of the construction lender on such application, however, shall not relieve any person from the obligation to give to such construction lender the notice required by this section.

SEC. 5. Section 2 of this act shall become operative only if Senate Bill No. 457 is enacted by the Legislature at its 1968 Regular Session and, as enacted, amends Section 1193 of the Code of Civil Procedure, and if Assembly Bill No. 997 is not enacted at such session or, if enacted, does not amend Section 1193, and in such case at the same time as the amendments to Section 1193, as contained in Senate Bill No. 457, become operative, in which event Sections 1, 3, 4, 6, and 7 of this act shall not be operative.

SEC. 6. Section 3 of this act shall become operative only if Assembly Bill No. 997 is enacted by the Legislature at its 1968 Regular Session and, as enacted, amends Section 1193 of the Code of Civil Procedure, and if Senate Bill No. 457 is not

enacted at such session or, if enacted, does not amend Section 1193, and in such case at the same time as the amendments to Section 1193, as contained in Assembly Bill No. 997, become operative, in which event Sections 1, 2, 4, 5, and 7 of this act shall not be operative.

SEC. 7. Section 4 of this act shall become operative only if both Senate Bill No. 457 and Assembly Bill No. 997 are enacted by the Legislature at the 1968 Regular Session and if each such bill, as enacted, amends Section 1193 of the Code of Civil Procedure, and in such case at the same time as the amendments to Section 1193, as contained in Senate Bill No 457 and Assembly Bill No. 997, become operative, in which event Sections 1, 2, 3, 5, and 6 of this act shall not be operative.

CHAPTER 461

An act to add Part 2.5 (commencing with Section 54) to Division 1 of the Civil Code, to add Chapter 11 (commencing with Section 3550) to Division 4 of Title 1 of the Government Code, to repeal Sections 643, 643a, 643b and 643.5 of the Penal Code, and to add Sections 21963, 21964, and 21965 to the Vehicle Code, relating to blind and other physically disabled persons.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Part 2.5 (commencing with Section 54) is added to Division 1 of the Civil Code, to read:

PART 2.5. BLIND AND OTHER PHYSICALLY DISABLED PERSONS

54. Blind persons, visually handicapped persons, and other physically disabled persons shall have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

54.1. Blind persons, visually handicapped persons, and other physically disabled persons shall be entitled to full and equal access, as other members of the general public, to accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.

54.2. Every totally or partially blind person shall have the right to be accompanied by a guide dog, especially trained for the purpose, in any of the places specified in Section 54.1 without being required to pay an extra charge for the guide dog; provided that he shall be liable for any damage done to the premises or facilities by such dog.

54.3. Any person or persons, firm or corporation who denies or interferes with admittance to or enjoyment of the public facilities as specified in Sections 54 and 54.1 or otherwise interferes with the rights of a totally or partially blind person or other disabled person under Sections 54, 54.1 and 54.2 shall be guilty of a misdemeanor.

54.4. A totally or partially blind pedestrian shall have all of the rights and privileges conferred by law upon other persons in any of the places, accommodations, or conveyances specified in Sections 54 and 54.1, notwithstanding the fact that such person is not carrying a predominantly white cane (with or without a red tip), or using a guide dog. The failure of a totally or partially blind person to carry such a cane or to use such a guide dog shall not constitute negligence per se.

54.5. Each year, the Governor shall publicly proclaim October 15 as White Cane Safety Day. He shall issue a proclamation in which:

(a) Comments shall be made upon the significance of this chapter.

(b) Citizens of the state are called upon to observe the provisions of this chapter and to take precautions necessary to the safety of disabled persons.

(c) Citizens of the state are reminded of the policies with respect to disabled persons declared in this chapter and he urges the citizens to cooperate in giving effect to them.

(d) Emphasis shall be made on the need of the citizenry to be aware of the presence of disabled persons in the community and to keep safe and functional for the disabled the streets, highways, sidewalks, walkways, public buildings, public facilities, other public places, places of public accommodation, amusement and resort, and other places to which the public is invited, and to offer assistance to disabled persons upon appropriate occasions.

(e) It is the policy of this state to encourage and enable blind persons, visually handicapped persons, and other physically disabled persons to participate fully in the social and economic life of the state and to engage in remunerative employment.

54.6. As used in this part, "blind," "totally blind," "visually handicapped," and "partially blind" mean having central visual acuity not to exceed 20/200 in the better eye, with corrected lenses, as measured by the Snellen test, or visual acuity greater than 20/200, but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle not greater than 20 degrees.

SEC. 2. Chapter 11 (commencing with Section 3550) is added to Division 4 of Title 1 of the Government Code, to read:

CHAPTER 11. HIRING OF BLIND AND OTHER PHYSICALLY DISABLED PERSONS

3550. The Legislature hereby declares that:

(a) It is the policy of this state to encourage and enable blind persons, visually handicapped persons, and other physically disabled persons to participate fully in the social and economic life of the state and to engage in remunerative employment.

(b) It is the policy of this state that blind persons, visually handicapped persons, and other physically disabled persons shall be employed in the state service, the service of the political subdivisions of the state, in public schools, and in all other employment supported in whole or in part by public funds on the same terms and conditions as the able-bodied, unless it is shown that the particular disability prevents the performance of the work involved.

SEC. 3. Section 643 of the Penal Code is repealed.

SEC. 4. Section 643a of the Penal Code is repealed.

SEC. 5. Section 643b of the Penal Code is repealed.

SEC. 6. Section 643.5 of the Penal Code is repealed.

SEC. 7. Section 21963 is added to the Vehicle Code, to read:

21963. A totally or partially blind pedestrian who is carrying a predominantly white cane (with or without a red tip), or using a guide dog, shall have the right-of-way, and the driver of any vehicle approaching such pedestrian, who fails to yield such right-of-way, or to take all reasonably necessary precautions to avoid injury to such blind pedestrian, is guilty of a misdemeanor. This section shall not preclude prosecution under any other applicable provision of law.

SEC. 8. Section 21964 is added to the Vehicle Code, to read:

21964. No person, other than those totally or partially blind, shall carry or use on any highway or in any public building, public facility, or other public place, a predominantly white cane (with or without a red tip).

SEC. 9. Section 21965 is added to the Vehicle Code, to read:

21965. As used in Sections 21963 and 21964, "blind," "totally blind," and "partially blind," mean having central visual acuity not to exceed 20/200 in the better eye, with corrected lenses, as measured by the Snellen test, or visual acuity greater than 20/200, but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle not greater than 20 degrees.

CHAPTER 462

An act to amend Sections 27211 and 27517 of, and to add Section 27517.5 to, the Elections Code, relating to recall elections.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 27211 of the Elections Code is amended to read:

27211. Nominations for any office in connection with a recall election provided for in this chapter shall be made by petition in the manner prescribed for nominations subsequent to or in lieu of primary elections, except that the number of signatures required on the nominating petition shall not be less in number than 500 or 1 percent of the entire vote cast in the county at the preceding general election, whichever is less, nor more than 1,000. No party affiliation of a candidate, signer or verification deputy shall be given, nor shall participation in a primary election be any bar to signing the petition.

SEC. 2. Section 27517 of the Elections Code is amended to read:

27517. The governing body of the city shall meet at its usual place of meeting on the first Tuesday after the election to canvass the returns and declare the results as in a regular election. If a majority or exactly half of those voting on the question of the recall of any incumbent from office vote "no," the recall question has failed and the incumbent shall continue in office. If a majority vote "yes," the recall question has succeeded. The incumbent is recalled from office when the recall question succeeds and a successor is elected and qualified.

SEC. 3. Section 27517.5 is added to the Elections Code, to read:

27517.5. If the recall questions for all of the members of the legislative body of the city succeed and no candidates are elected to succeed them, the incumbents shall remain in office.

If the recall questions for all or part of the members of the legislative body of the city succeed and not enough candidates are elected to provide a quorum, the Governor shall appoint a sufficient number of persons to bring the membership up to a quorum and the quorum shall fill the remaining vacancies by appointment. If there are any unfilled vacancies remaining 30 days after the recall election, and more than 75 days will elapse before the next general municipal election will be held, the legislative body shall immediately cause an election to be held to fill the vacancies.

A person appointed to office under this section shall hold office for the remainder of the unexpired term of the recalled officer whose position he is appointed to fill.

CHAPTER 463

An act to amend Section 581 of the Welfare and Institutions Code, relating to custody of minors.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 581 of the Welfare and Institutions Code is amended to read:

581. Except where waived by the probation officer, judge or referee and the minor, the probation officer shall be present in court to represent the interests of each person who is the subject of a petition to declare such person to be a ward or dependent child upon all hearings or rehearings of his case, and shall furnish to the court such information and assistance as the court may require. If so ordered, he shall take charge of such person before and after any hearing or rehearing.

It shall be the duty of the probation officer to prepare for every hearing on the disposition of a case as provided by Section 702 a social study of the minor, containing such matters as may be relevant to a proper disposition of the case. Such social study shall include a recommendation for the disposition of the case.

CHAPTER 464

An act to amend Section 11704 of the Business and Professions Code, relating to real estate.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 11704 of the Business and Professions Code is amended to read:

11704. Upon the filing of a petition pursuant to this chapter, any judge of the superior court of the county in which the land is situated, shall make an order directing the clerk of the court to give notice of the filing of the petition. The notice shall be for once a week for a period of not less than five consecutive weeks and shall be given by publication in some newspaper of general circulation within the county, or if there is no newspaper published therein, by posting in three of the principal places in the county. Such notice shall contain a statement of the nature of the petition together with a direction that any person may file his written objection to the petition at any time before the expiration of the time of posting or publication.

CHAPTER 465

An act to amend Section 19262 of the Revenue and Taxation Code, relating to personal income taxes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 19262 of the Revenue and Taxation Code is amended to read:

19262. If the value of the assets of an estate at the death of the decedent exceeds fifty thousand dollars ($50,000), and if assets having a total value of five thousand dollars ($5,000) are distributable to one or more nonresident beneficiaries, the final account of the fiduciary shall not be allowed by the probate court unless the fiduciary obtains from the Franchise Tax Board and files with the court a certificate to the effect that all taxes imposed by this part upon the estate or decedent which have become payable have been paid, and that all taxes which may become due are secured by bond, deposit or otherwise.

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 many cases small estates must incur the time and expense of obtaining certificates described in this act even though there is no tax liability for the estate. This measure would speed up the time needed in closing these estates and prevent their incurring the expense of obtaining the certificates.

CHAPTER 466

An act to add Section 2782.1 to the Civil Code, relating to indemnity contracts.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 2782.1 is added to the Civil Code, to read:

2782.1. Nothing contained in Section 2782 shall prevent a contractor responsible for the performance of a construction contract, as defined in Section 2783, from indemnifying fully a person, firm, corporation, state or other agency for whose account the construction contract is not being performed but

who, as an accommodation, enters into an agreement with the contractor permitting such contractor to enter upon or adjacent to its property for the purpose of performing such construction contract for others.

CHAPTER 467

An act to amend Section 20860.5 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 20860.5 of the Government Code is amended to read:

20860.5. Time during which a member is excused from performance of his duties, whether or not he is required to perform any portion of such duties during such time, and for which he receives compensation in an amount less than the full compensation earnable by him while performing his duties when not so excused, such as sabbatical leave or other approved leave for the purpose of service of up to two years with a university; college; local, state, federal, or foreign governmental agency; or nonprofit organization; shall be credited as service in the proportion that the compensation paid to the member bears to the full compensation which would be earnable by him while performing his duties on a full-time basis; provided, however, that any such member shall receive full-time credit for such time if after returning to the employment from which he was excused and at any time prior to retirement he elects to and does contribute to the Retirement Fund the amount necessary to make the accumulated contributions standing to his credit in his individual account the amount it would be had he not been so absent plus the contributions that would have been made by his employer in respect to him had he not been so absent plus the interest which would have accrued to such member and employer contributions if they had been made on the date of his return to employment. Payment shall be by lump sum at the time of election or in installments beginning immediately upon such election and subject to board rule.

CHAPTER 468

An act to amend Section 3 of Chapter 380 of the Statutes of 1959, relating to local health districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 3 of Chapter 380 of the Statutes of 1959 is amended to read:

Sec. 3. Chapter 6 (commencing with Section 880) of Part 2 of Division 1 of the Health and Safety Code is repealed.

Notwithstanding such repeal, the organization, existence, or powers of any district created by, or organized pursuant to, the provisions of such Chapter 6 shall remain unaffected by such repeal, and any such district shall continue to exist and may exercise any of the powers conferred upon it by that chapter. No district shall be created or organized pursuant to that chapter after October 1, 1959.

Notwithstanding the provisions of Chapter 6 (commencing with Section 880) of Part 2 of Division 1 of the Health and Safety Code as the provisions of that chapter existed at the time of their repeal, the district board of any district created by, or organized pursuant to, such provisions, which has continued to exist thereunder shall consist of nine members.

One member shall be appointed from each city in the district, by the governing body of the city, and the remaining members shall be appointed by the board of supervisors from the unincorporated territory in the district at large.

The first additional members appointed to a district board under this section shall classify themselves by lot so that the terms of office of one-half of such members shall expire at the same time as the terms of office of incumbent members which first expire following the date of such appointments, and the terms of office of the other one-half shall expire at the same time as the terms of office of the other incumbent members. The terms of office of their successors shall be the same as for other members appointed to the district board.

Notwithstanding the provisions of Chapter 6 (commencing with Section 880) of Part 2 of Division 1 of the Health and Safety Code, as the provisions of that chapter existed at the time of their repeal, annexation of territory, incorporated or unincorporated, lying adjacent and contiguous to a district, and dissolution of a district, shall be undertaken pursuant to the provisions of the District Reorganization Act of 1965 (Division 1 (commencing with Section 56000) of Title 6 of the Government Code).

Notwithstanding the provisions of Chapter 6 (commencing with Section 880) of Part 2 of Division 1 of the Health and Safety Code, as the provisions of that chapter existed at the time of their repeal, the tax for a district shall in no case exceed the rate of twenty-five cents ($0.25) on each one hundred dollars ($100) of assessed valuation of all taxable property within the district.

If the district board presents a budget that necessitates a tax rate in excess of fifteen cents ($0.15) on each one hundred dollars ($100) of the assessed valuation, the budget shall not be effective unless and until it is approved by the county board of supervisors.

Notwithstanding the provisions of Chapter 6 (commencing with Section 880) of Part 2 of Division 1 of the Health and Safety Code, as the provisions of that chapter existed at the time of their repeal, an air pollution control district may contract with a local health district in the same county in which the air pollution control district is functioning and exercising its powers, and such a local health district may contract with such an air pollution control district, for the enforcement by the local health district of the orders, rules, and regulations of the air pollution control district, and the providing by the local health district of services to the air pollution control district.

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 a critical need for funds to allow local health districts to continue providing the essential services needed to safeguard the health and safety of the citizens of this state. There is also an urgent need to improve the enforcement of the orders, rules, and regulations of air pollution control districts, and the providing of services to such districts, by local health districts in order to protect and preserve the quality of the air of this state. In order that this act, which would increase the maximum rate of the taxes which a local health district may levy and specifically authorize contracts between air pollution control districts and local health districts for the enforcement of the orders, rules, and regulations of, and the providing of services to, the air pollution control district by the local health district, may become effective without delay and before the commencement of the 1968–1969 fiscal year on July 1, 1968, it is imperative that this act take effect immediately.

CHAPTER 469

An act to amend Sections 30168, 30181, 30182, 30183, 30186, 30187, 30207, 30362 and 30366 of the Revenue and Taxation Code, relating to cigarette taxation.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 30168 of the Revenue and Taxation Code is amended to read:

30168. Amounts owing for stamps and meter register settings purchased on the deferred-payment basis in any calendar month, beginning with August, 1967, shall be due and payable on or before the 25th day of the following calendar month. Payment shall be made by a remittance payable to the board.

Amounts owing for purchases made from July 16, 1967, to and including July 31, 1967, shall be due and payable on or before August 31, 1967.

SEC. 2. Section 30181 of the Revenue and Taxation Code is amended to read:

30181. When any tax imposed under Article 1 of Chapter 2 of this part is not paid through the use of stamps or meter impressions, the tax shall be due and payable monthly on or before the 25th day of the month following the calendar month in which a distribution of cigarettes occurs, or in the case of a sale of cigarettes on the facilities of a common carrier for which the tax is imposed pursuant to Section 30104, the tax shall be due and payable monthly on or before the 25th day of the month following the calendar month in which a sale of cigarettes on the facilities of the carrier occurs.

SEC. 3. Section 30182 of the Revenue and Taxation Code is amended to read:

30182. On or before the 25th day of each month, every distributor shall file on forms prescribed by the board a report respecting his distributions of cigarettes and purchases of stamps and meter register units during the preceding month and such other information as the board may require to carry out the purposes of this part.

SEC. 4. Section 30183 of the Revenue and Taxation Code is amended to read:

30183. On or before the 25th day of each month every distributor required under Section 30108 to collect any tax during the preceding month shall file a report with the board on forms prescribed by the board showing the number of cigarettes with respect to which he was required to collect the tax and such other information as the board may require to carry out the purposes of this part.

SEC. 5. Section 30186 of the Revenue and Taxation Code is amended to read:

30186. On or before the 25th day of each month the common carriers and authorized persons specified in Section 30104 shall file with the board a report of the sales of cigarettes made by them on the facilities of the carriers in California in the preceding calendar month in such detail and form as the board may prescribe, submitting with the report the amount of the tax due under Section 30104.

SEC. 6. Section 30187 of the Revenue and Taxation Code is amended to read:

30187. Every consumer or user subject to the tax resulting from a distribution of cigarettes within the meaning of subdivision (b) of Section 30008 from whom the tax has not been collected under Section 30108 shall on or before the 25th day of the month following receipt of cigarettes file with the board a report of the amount of cigarettes received by him in the preceding calendar month in such detail and form as the board may prescribe, submitting with the report the amount of tax due.

SEC. 7. Section 30207 of the Revenue and Taxation Code is amended to read:

30207. Except in the case of fraud, intent to evade the tax, or failure to make a report, every notice of a deficiency determination shall be given within three years after the 25th day of the month following the month for which the amount should have been reported.

SEC. 8. Section 30362 of the Revenue and Taxation Code is amended to read:

30362. (a) Except as provided in subdivision (b) no refund shall be approved by the board after three years from the 25th day after the close of the monthly period for which the overpayment was made, or, with respect to a determination made under Chapter 4 of this part, after six months from the date the determination becomes final, or after six months from the date of overpayment, whichever period expires the later, unless a claim therefor is filed with the board within such period. No credit shall be approved by the board after the expiration of such period unless a claim for credit is filed with the board within such period, or unless the credit relates to a period for which a waiver is given pursuant to Section 30208.

(b) A refund may be approved by the board for any period for which a waiver is given under Section 30208 if a claim therefor is filed with the board before the expiration of the period agreed upon.

SEC. 9. Section 30366 of the Revenue and Taxation Code is amended to read:

30366. Interest shall be computed, allowed, and paid upon any overpayment of any amount of tax at the rate of one-half of 1 percent per month from the 25th day of the calendar month following the monthly period for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, to the 25th day of the calendar month following the date upon which the claimant is notified by the board that a claim may be filed or the date upon which the claim is certified to the State Board of Control, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

CHAPTER 470

An act to amend Section 12912.5 of the Education Code, relating to school employees.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 12912.5 of the Education Code is amended to read:

12912.5. "Narcotics offense" as used in Sections 13130, 13207, 13218, 13255, and 13586 means any one or more of the following offenses:

(a) Any offense in Sections 11500 to 11503, both inclusive, 11557, 11715, and 11721 of the Health and Safety Code.

(b) Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punished as one or more of the above-mentioned offenses.

(c) Any attempt to commit any of the above-mentioned offenses.

CHAPTER 471

An act to amend Section 14675.5 of the Education Code, Section 1372 of the Financial Code, to add Sections 31595.5 and 45308.55 to the Government Code, and to add Section 12365.5 to the Public Utilities Code, relating to the investment of retirement funds.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 14675.5 of the Education Code is amended to read:

14675.5. Notwithstanding anything in this code, a district retirement board may invest in an amount not exceeding 20 percent of the assets of such plan in securities, whether or not they are expressly authorized, and whether or not they qualify as investments for savings banks, in which in the informed opinion of the district retirement board it is prudent to invest retirement funds.

Any investments as are authorized by this section in corporation shares may under the advice of proper counsel be made in an amount, determined on the basis of cost, not to exceed 10 percent of the assets of the retirement fund in the first two years after the effective date of this section, not to exceed 15 percent during the third year after the effective date of this section, and not to exceed 20 percent thereafter, in common or preferred stock or shares, of corporations created or existing under the laws of the United States, or any state, district, or territory thereof; provided that

(a) Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended. Such registration shall not be required with respect to the following stocks:

(1) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds,

represented by capital, surplus, and undivided profits, of at least fifty million dollars ($50,000,000);

(2) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unassigned surplus, of at least fifty million dollars ($50,000,000);

(3) Any preferred stock.

(b) Such corporation has total assets of at least one hundred million dollars ($100,000,000);

(c) Bonds of such a corporation, if any are outstanding, qualify for investment of the retirement fund, and that there are no arrears of dividend payments on its preferred stock;

(d) Such corporation has paid a cash dividend on its common stock in at least 8 of the 10 years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash dividend in each of the last three years;

(e) Such investment in any one company may not exceed 5 percent of the common shares outstanding; and

(f) No single common stock investment, based on cost, may exceed 2 percent of the assets of the fund.

The board may also invest in any stocks or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars ($50,000,000); except that the total investment in such stocks and shares, together with stocks and shares of all other corporations, may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

The board shall employ investment counsel or trust companies or trust departments of banks to render service in connection with the board's investment program in corporation shares and may pay for such service.

When an agreement is entered into by the board for consulting or management services in connection with the administration of the board's investment program, any fees stipulated in such agreement to be paid for such services shall not be considered a cost of administration but shall be considered as a reduction in earnings from such investments or a charge against the assets of the retirement fund as determined by the board.

SEC. 2. Section 14675.5 of the Education Code is amended to read:

14675.5. Notwithstanding anything in this code, a district retirement board may invest in an amount not exceeding 20 percent of the assets of such plan in securities, whether or not they are expressly authorized, and whether or not they qualify as investments for savings banks, in which in the informed opinion of the district retirement board it is prudent to invest retirement funds.

Any investments as are authorized by this section in corporation shares may under the advice of proper counsel be made in an amount, determined on the basis of cost, not to exceed 10 percent of the assets of the retirement fund in the first two years after the effective date of this section, not to exceed 15 percent during the third year after the effective date of this section, and not to exceed 20 percent thereafter, in common or preferred stock or shares, of corporations created or existing under the laws of the United States, or any state, district, or territory thereof; provided that

(a) Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended. Such registration shall not be required with respect to the following stocks:

(1) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds, represented by capital, surplus, and undivided profits, of at least fifty million dollars ($50,000,000);

(2) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unassigned surplus, of at least fifty million dollars ($50,000,000);

(3) Any preferred stock.

(b) Such corporation has total assets of at least one hundred million dollars ($100,000,000);

(c) Bonds of such a corporation, if any are outstanding, qualify for investment of the Retirement Fund, and that there are no arrears of dividend payments on its preferred stock;

(d) Such corporation has paid a cash dividend on its common stock in at least 8 of the 10 years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash dividend in each of the last three years;

(e) Such investment in any one company may not exceed 5 percent of the common shares outstanding; and

(f) No single common stock investment, based on cost, may exceed 2 percent of the assets of the fund.

The board may also invest in any stocks or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars ($50,000,000); except that the total investment in such stocks and shares, together with stocks and shares of all other corporations, may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

The board shall employ investment counsel or trust companies or trust departments of banks to render service in connection with the board's investment program in corporation shares.

SEC. 3. Section 1372 of the Financial Code is amended to read:

1372. The provisions of this chapter govern the investment of funds by savings banks but wherever by any law of this state it is now provided that the moneys of any pension fund, retirement plan, trust fund, or the moneys of any special fund the investment of which is governed by law, or the funds of any political subdivision or public corporation may or shall be invested in securities which are a legal investment for savings banks, then such law shall be deemed to authorize or require, as the case may be, that such moneys be invested in securities in which savings banks were authorized to invest their funds by the provisions of the Bank Act as it read prior to January 1, 1949, other than paragraph (f) of subdivision 5 of Section 61 of said act or in bonds, debentures, and notes legal for investment for savings banks in the State of New York or the State of Massachusetts as of the time the investment is made or in securities in which savings banks are authorized to invest their funds by the provisions of Sections 1350 to 1366, inclusive, of this chapter; provided, that the provisions of said sections limiting the amount which a savings bank may invest in securities to a specified percent of its paid-up capital and surplus, or savings deposits, shall not apply to investments authorized by the terms of this section, or in which savings banks are authorized to invest their funds by any other law of this state.

The funds of the Public Employees' Retirement System and the Legislators' Retirement System may be invested in an amount not exceeding 20 percent of the assets of each of the respective systems as a whole and not by separate funds within each system, in securities, whether or not such securities are herein expressly authorized and whether or not they qualify hereunder, in which in the informed opinion of the board or officer charged with the investment of funds of such systems respectively it is prudent to invest retirement funds.

The funds of the State Teachers' Retirement System may be invested in an amount not exceeding 20 percent of the assets of such system, in securities, other than corporation shares, whether or not such securities are herein expressly authorized and whether or not they qualify hereunder, in which in the informed opinion of the Teachers' Retirement Board it is prudent to invest retirement funds.

The funds of any retirement system established pursuant to the County Employees' Retirement Law of 1937 may be invested in an amount not exceeding 20 percent of the assets of such system, in securities whether or not such securities are herein expressly authorized, and whether or not they qualify hereunder, in which in the informed opinion of the Board of Retirement it is prudent to invest retirement funds.

The funds of any school district retirement plan may be invested in an amount not exceeding 20 percent of the assets of such system, in securities whether or not such securities are

herein expressly authorized, and whether or not they qualify hereunder, in which in the informed opinion of the district retirement board it is prudent to invest retirement funds.

The funds of any public retirement system to which this section applies, other than the State Teachers' Retirement System, may be invested in any stocks or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars ($50,000,000); except that the total investment in such stocks and shares, together with stocks and shares of all other corporations, may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

SEC. 4. Section 31595.5 is added to the Government Code, to read:

31595.5. The board of retirement may also invest in any stocks or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars ($50,000,000); except that the total investment in such stocks and shares, together with stocks and shares of all other corporations, may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

SEC. 5. Section 45308.55 is added to the Government Code, to read:

45308.55. Notwithstanding Section 45308.1 the board may also invest in any stocks or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars ($50,000,000); except that the total investment in such stocks and shares, together with stocks and shares of all other corporations, may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

SEC. 6. Section 12365.5 is added to the Public Utilities Code, to read:

12365.5. The board may also invest in any stocks or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars ($50,000,000); except that the total investment in such stocks and shares, together with stocks and shares of all other corporations, may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

SEC. 7. Section 1 of this act shall become operative only if Assembly Bill No. 726 is enacted at the 1968 Regular Session of the Legislature, in which case Section 2 of this act is repealed.

CHAPTER 472

An act to amend Sections 6871, 6872, and 6873 of, to amend and renumber the heading of Article 3 (commencing with Section 6871) of Chapter 8, Division 6 of, and to add Sections 6870, 6871.5, 6874, 6874.5, 6874.6, and 6920 to, the the Education Code, relating to special educational facilities and services.

[Approved by Governor July 3, 1968 Filed with Secretary of State July 3, 1968]

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

SECTION 1. This act may be cited as "The Special Education Services Act of 1968."

SEC. 1.5. The heading of Article 3 (commencing with Section 6871) of Chapter 8, Division 6 of the Education Code is amended and renumbered to read:

CHAPTER 8.2. EDUCATION OF EXCEPTIONAL CHILDREN FOR WHOM NO APPROPRIATE SPECIAL EDUCATION FACILITIES AND SERVICES ARE AVAILABLE, OR CAN REASONABLY BE PROVIDED

SEC. 2. Section 6870 is added to the Education Code, immediately preceding Section 6871, to read:

6870. It is the intent and purpose of the Legislature in enacting this chapter to provide special educational facilities and services to exceptional children who, because the school district or county superintendent of schools of the county in which they reside has no appropriate special education facilities and services or they cannot reasonably be provided to fit their needs, or because the State of California has no facilities to educate them, are unserved by this state's school system or by state institutions or agencies. It is the further intent and purpose of the Legislature to provide the Department of Education with broad administrative discretion, consistent with the needs of exceptional children and the intent of this chapter, in carrying out its responsibilities under this chapter. The Superintendent of Public Instruction may adopt rules and regulations consistent with this chapter which he deems necessary for the effective administration thereof.

(a) As used in this chapter:

(1) An educationally handicapped minor means an educationally handicapped minor as defined by Chapter 7.1 (commencing with Section 6750) of this division.

(2) A physically handicapped minor means a physically handicapped minor as defined by Chapter 8 (commencing with Section 6801) of this division.

(3) A mentally retarded minor means a mentally retarded minor as defined by Sections 6901 and 6902.

(4) A severely mentally retarded minor means a mentally retarded minor as defined by Sections 6901 and 6903.

(5) A multiply handicapped minor as determined by the Superintendent of Public Instruction means a minor with any combination of handicaps described above in paragraphs (2), (3), and (4).

(6) Exceptional children includes all minors defined in paragraphs (1) to (5), inclusive, of this subdivision.

(b) "Special educational facilities and services" means:

(1) In the case of an educationally handicapped minor the special educational facilities and services specified in Chapter 7.1 (commencing with Section 6750) of this division.

(2) In the case of a physically handicapped minor the special educational facilities and services specified in Article 1 (commencing with Section 6801) of Chapter 8 of this division and Article 9 (commencing with Section 8901) of Chapter 6, Division 7.

(3) In the case of a mentally retarded minor, other than a severely mentally retarded minor, the special educational facilities and services specified in Sections 6902 and 8951 insofar as applicable.

(4) In the case of a severely mentally retarded minor the special educational facilities and services specified in Sections 6903 and 8951 insofar as applicable.

(5) In the case of a multiply handicapped minor, the special educational facilities appropriate to the minor's handicaps as determined by the county superintendent of schools.

SEC. 3. Section 6871 of the Education Code is amended to read:

6871. With the approval of the county superintendent of schools, any school district having a physically handicapped minor, mentally retarded minor, severely mentally retarded minor, or multiply handicapped minor for whom special education facilities and services as prescribed by Section 6870 are not available or cannot be reasonably provided, and for whom the State of California has no appropriate special education facilities and services, shall, and any school district having an educationally handicapped minor for whom special education facilities and services as prescribed by Section 6870 are not available or cannot be reasonably provided, and for whom the State of California has no appropriate special education facilities and services, may, in lieu of establishing and maintaining the needed special education facilities and services at an unreasonable cost to the district, pay to the parent or guardian of such minor toward the tuition for such minor, enrolled in a public or private nonsectarian school, institution, or agency within or outside of California offering the special education facilities and services made necessary by the minor's disabilities, an amount not to exceed the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question, the maximum amount allowable per unit of average daily attendance under Article 11 (commencing with Section 18101) of Chapter 3 of Division 14 and the amount per unit of average daily

attendance provided from revenue derived from district taxation for the current expense of education of a normal child in the schools of the district. For purposes of computing the amount per unit of average daily attendance provided from revenue derived from district taxation, there shall be excluded amounts produced by rates levied for special or restricted purposes, such as the rates levied pursuant to Sections 1822.2, 1825, 16633, 16635, 16645.9, 19443, 19619, 20801 to 20802.8, inclusive, 20806, and 20807, and there shall be included amounts produced by rates levied for general districtwide current support purposes, including the rates levied pursuant to Sections 20808 and 20808.5. As used in this article "tuition" includes the cost to the parent or guardian of transporting a minor enrolled in a public or private nonsectarian school, institution, or agency under this section to and from school.

The provisions of this section shall be applicable as well to situations where the special educational facilities and services are available but are an unreasonable distance away from the home of the minor. The Superintendent of Public Instruction shall adopt rules and regulations to implement the determination of the unreasonableness of such cost and distance, and any other rules and regulations deemed necessary by him for the effective administration of this chapter. The county superintendent of schools shall make a finding as to the unreasonableness of such cost or distance for the school districts within his jurisdistion and shall report such findings to the Superintendent of Public Instruction, who, if he approves such findings, shall authorize payments pursuant to this section and Sections 6872 and 6873.

Priority in providing special education facilities and services shall be given to public school, or state-operated, programs. State and school district support for an exceptional child's education at a private nonsectarian school, institution, or agency shall be approved pursuant to this chapter only if no publicly operated programs are available to the minor within a reasonable distance from his residence, or if such programs do not meet the specialized needs of the minor, as determined under the procedures established by this chapter. Priority in approving private nonsectarian schools, institutions, or agencies shall be given to the nearest such school, institution, or agency from where the parent or guardian of the exceptional child resides and which provides training and education as defined in Section 6870.

In instances where public funds are paid to the parent or guardian of a minor pursuant to this section, toward the tuition of such minor enrolled in a private nonsectarian school, institution, or agency, the school, institution, or agency enrolling such minor shall at the end of each school year submit a written progress report on each such minor on forms provided by the Superintendent of Public Instruction, and shall forward such forms to the county superintendent of schools of the county authorizing placement. Such reports shall

be used by the county superintendents of schools to determine continued eligibility for placement and reimbursement under this chapter.

SEC. 4. Section 6871.5 is added to the Education Code, to read:

6871.5. The parent or guardian of a minor who has been denied admission and who qualifies for tuition payment pursuant to Section 6871 shall make written application to the school district for the tuition payment prescribed in Section 6871. Within 30 days after receipt of the application, the school district shall in writing grant or deny the application, with reasons stated in case of a denial. If the application is denied, the parent or guardian may appeal to the county superintendent of schools, who shall review the decision of the school district and shall within 30 days after receipt of the appeal, either affirm or reverse the school district's decision. If the county superintendent of schools reverses the school district's decision, a report and claim shall be made by the school district in which the minor resides, pursuant to Sections 6872 and 6873. Thereupon the county superintendent of schools may place and contract for the placing of the exceptional child in another school district within or without the county or county offering special educational services. The superintendent may then transfer to the district or county wherein the child is placed the amount of state aid the placing district receives for that child pursuant to Section 6873. If the county superintendent of schools affirms the school district's decision, the parent or guardian may, within 10 days following receipt of the county superintendent of schools' decision, further appeal to the Department of Education for reconsideration. Within 30 days following receipt of the appeal, the department shall, in writing either affirm or reverse the decision of the county superintendent of schools, and in the case of an affirmation, shall append a statement of reasons. If the department affirms the decision of a county superintendent of schools that decision shall be final. If the department reverses the decision of a county superintendent of schools not to grant the application, a report and claim shall be made by the school district in which the minor resides, pursuant to Sections 6872 and 6873.

SEC. 5. Section 6872 of the Education Code is amended to read:

6872. A school district having any minor receiving the benefits of special education facilities and services under the provisions of Section 6871 shall report the attendance of such minor and submit any claim the district may have for the regular and special purpose apportionment to be used in payment to the parent or guardian of such minor toward any tuition arising out of such attendance through the county superintendent of schools to the Superintendent of Public Instruction. The aforementioned report and claim shall be submitted at the time and in the manner prescribed by the Superintendent of Public Instruction. The county superintendent of schools

shall verify the attendance reported and claim submitted in the manner prescribed by the Superintendent of Public Instruction.

SEC. 6. Section 6873 of the Education Code is amended to read:

6873. Upon verification of the attendance reported and the claim submitted, the Superintendent of Public Instruction shall apportion to the school district submitting the report and the claim of the parent or guardian of such minor for the tuition in question an amount sufficient to satisfy the claim but not in excess of the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question and the maximum amount allowable per unit of average daily attendance under Article 11 (commencing with Section 18101) of Chapter 3 of Division 14. In the case of a multiply handicapped minor the amount apportioned shall not exceed the claim or sum resulting from including the largest amount allowable for a special class under Article 11 (commencing with Section 18101) of Chapter 3 of Division 14. The apportionments shall be made from the funds reserved under the provisions of subdivision (c) of Section 17303.5 for each fiscal year immediately following the fiscal year in which the attendance occurs.

SEC. 7. Section 6874 is added to the Education Code, to read:

6874. No claim shall be satisfied by the Superintendent of Public Instruction for the education of an exceptional child under this chapter, or under Section 6922, 25601.1, or 25851.1 unless the school, institution, or agency which the child will attend meets minimum educational standards established by the State Board of Education pursuant to Section 6874.5.

SEC. 8. Section 6874.5 is added to the Education Code, to read:

6874.5. Except as otherwise provided in Section 6874.6, the State Board of Education shall adopt, by rules and regulations, minimum educational standards which shall be met by any school, institution, or agency enrolling an exceptional child under the provisions of this chapter, or under Section 25601.1 or 25851.1. Such minimum standards shall relate solely to the educational program to be offered by the school, institution, or agency.

SEC. 9. Section 6874.6 is added to the Education Code, to read:

6874.6. A claim concerning the attendance of an exceptional child at any school, institution, or agency in which there are insufficient numbers of properly credentialed teachers but which otherwise offers an acceptable educational program shall not be disallowed pursuant to Section 6874, if:

(a) The Department of Education has determined that there is in the area served by the school, institution, or agency a shortage of properly credentialed teachers, and

(b) The Department of Education determines that the needs of the exceptional children to be served by the school, institution, or agency will be more adequately served through an education at the school, institution, or agency than they would be if the children remain in their existing educational environments.

At such time that the Department of Education determines that there is in the area served by the school, institution, or agency a sufficient number of properly credentialed and employable teachers, the department shall require that properly credentialed teachers be employed by the school, institution, or agency before a claim may be satisfied for the education of an exceptional child at the school, institution, or agency.

This section shall apply only to an school, institution, or agency, enrolling an exceptional child under this chapter, which is situated in this state.

SEC. 10. Section 6920 is added to the Education Code, to read:

6920. Every mentally retarded, physically handicapped, or multiply handicapped minor, as defined in Section 6870, is entitled to training or an education free of charge in the public schools of this state.

SEC. 11. The Superintendent of Public Instruction shall, beginning with the 1972 Regular Session of the Legislature, and at each regular session thereafter, report to the Legislature concerning the operation of this act, and shall include in such report any recommendations which he may deem necessary.

SEC. 12. This act shall become operative on July 1, 1970.

CHAPTER 473

An act relating to the disposal of state property.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. The authorization granted by Chapter 1076 of the Statutes of 1957 for the disposal of Parcel 6 of said chapter is hereby revoked.

CHAPTER 474

An act to amend Section 13708 of the Education Code, relating to merit systems of school districts.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 13708 of the Education Code is amended to read:

13708. Members of the commission may be paid fifteen dollars ($15) per meeting but not over seventy-five dollars ($75) per month, except that in any unified school district with an average daily attendance in excess of 400,000, members of the commission may be paid not more than fifty dollars ($50) per meeting but not over two hundred fifty dollars ($250) per month.

CHAPTER 475

An act to amend Sections 260 and 263 of the Probate Code, relating to estates of missing persons.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 260 of the Probate Code is amended to read:

260. Whenever any resident of this state, who owns or is entitled to the possession of any real or personal property situate in this state, is missing, or the whereabouts of such a person is unknown, for 90 days, and a verified petition is presented to the superior court of the county of which such person is a resident by the spouse of such person or any of the family or friends of such person, representing that the whereabouts of such person has been, for such time, and still is, unknown, and that such person's estate requires attention, supervision, and care of ownership, the court must order such petition to be filed, and appoint a day for its hearing, not less than 10 days from the date of the order.

SEC. 2. Section 263 of the Probate Code is amended to read:

263. In appointing a trustee, the court must prefer the spouse of the missing person (if any such there is), or the nominee of the spouse of the missing person, and, in the absence of a spouse, some person, if such there is who is willing to act, entitled to participate in the distribution of the missing person's estate were the missing person dead.

CHAPTER 476

An act to add Sections 23059 and 23758.2 to the Education Code, relating to residency determination, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 23059 is added to the Education Code, to read:

23059. Any female who is a California resident shall not lose such residence status for the purposes of admission fees and rates of tuition of the University of California by virtue of her marriage to a nonresident who is a member of the armed forces of the United States and who is required to serve outside of this state.

SEC. 2. Section 23758.2 is added to the Education Code, to read:

23758.2. Any female who is a California resident shall not lose such residence status for the purposes of any state college fee or rate of tuition by virtue of her marriage to a nonresident who is a member of the armed forces of the United States and who is required to serve outside of this state.

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 Trustees of the California State Colleges and the Regents of the University of California may make residency determinations for female student enrollments for the 1968–1969 school year, it is necessary that this act take effect immediately.

CHAPTER 477

An act to amend Section 908.1 of the Penal Code, relating to grand juries, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 908.1 of the Penal Code is amended to read:

908.1. When, after the grand jury consisting of the required number of persons has been impaneled pursuant to law, the membership is reduced for any reason, such vacancies

within an existing grand jury may be filled, so as to maintain the full membership at the required number of persons, by the clerk of the superior court, in the presence of the court, drawing out sufficient names to fill the vacancies from the grand jury box, pursuant to law, or from a special venire as provided in Section 226 of the Code of Civil Procedure. No person selected as a grand juror to fill a vacancy pursuant to this section shall vote as a grand juror on any matter upon which evidence has been taken by the grand jury prior to the time of his selection.

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:

Vacancies in grand juries often occur at early stages of their sessions for various reasons for which no provision is made in the law to fill the vacancy. Under such circumstances, it is difficult for the grand juries at such reduced membership to obtain indictments and to carry on their investigative duties. Such reduction in membership without provision for filling vacancies seriously curtails the administration of justice. This statute provides a procedure for filling such vacancies. In order that such vacancies may be filled without delay, it is imperative that it take effect immediately.

CHAPTER 478

An act to amend Section 1161 of the Civil Code, relating to gifts to minors.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 1161 of the Civil Code is amended to read:

1161. (a) Only an adult member of the minor's family, a guardian of the minor or a trust company is eligible to become successor custodian. A custodian may designate his successor by executing and dating an instrument of designation before a subscribing witness other than the successor. The instrument of designation may, but need not, contain the resignation of the custodian. If the custodian does not so designate his successor before he dies or becomes legally incapacitated, and the minor has attained the age of 14 years, the minor may designate a successor custodian by executing an instrument of designation before a subscribing witness other than the successor. A successor custodian has all the rights, powers, duties and immunities of a custodian designated in a manner prescribed by this article.

(b) The designation of a successor custodian as provided in subdivision (a) takes effect as to each item of the custodial property when the custodian resigns, dies, or becomes legally incapacitated, and the custodian or his legal representative:

(1) Causes the item, if it is a security in registered form or a life insurance policy or annuity contract, to be registered, with the issuing insurance company in the case of a life insurance policy or annuity contract, in the name of the successor custodian followed, in substance, by the words: "As custodian for _____ under the California Uniform Gift to Minors Act"; and

(2) Delivers or causes to be delivered to the successor custodian any other item of the custodial property, together with the instrument of designation of the successor custodian or a true copy thereof and any additional instruments required for the transfer thereof.

(c) A custodian who executes an instrument of designation of his successor containing the custodian's resignation as provided in subdivision (a) shall promptly do all things within his power to put each item of the custodial property in the possession and control of the successor custodian named in the instrument. The legal representative of a custodian who dies or becomes legally incapacitated promptly shall do all things within his power to put each item of the custodial property in the possession and control of the successor custodian named in an instrument of designation executed as provided in subdivision (a) by the custodian or, if none, by the minor if he has no guardian and has attained the age of 14 years, or in the possession and control of the guardian of the minor if he has a guardian. If the custodian has executed as provided in subdivision (a) more than one instrument of designation, his legal representative shall treat the instrument dated on an earlier date as having been revoked by the instrument dated on a later date.

(d) If the person designated as custodian or as successor custodian by the custodian as provided in subdivision (a) is not eligible, dies or becomes legally incapacitated before the minor attains the age of 21 years, and if the minor has a guardian, the guardian of the minor shall be successor custodian. If the minor has no guardian, and if no successor custodian who is eligible and has not died or become legally incapacitated has been designated as provided in subsection (a), a donor, his legal representative, the legal representative of the custodian, or an adult member of the minor's family, may petition the court for the designation of a successor custodian.

(e) A donor, the legal representative of a donor, an adult member of the minor's family, a guardian of the minor or the minor, if he has attained the age of 14 years, may petition the court that, for cause shown or for the best interests of the minor, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his duties.

(f) Upon the filing of a petition as provided in this section, the court shall grant an order, directed to the persons and returnable on such notice as the court may require, to show cause why the relief prayed for in the petition should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor.

CHAPTER 479

An act to amend Section 1478 of the Penal Code, relating to writs of habeas corpus.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 1478 of the Penal Code is amended to read:

1478. If the writ is directed to the sheriff or other ministerial officer of the court out of which it issues, it must be delivered by the clerk to such officer without delay, as other writs are delivered for service. If it is directed to any other person, it must be delivered to the sheriff or a marshal, and be by him served upon such person by delivering the copy to him without delay, and make his return on the original to the court of issuance. If the person to whom the writ is directed cannot be found, or refuses admittance to the officer or person serving or delivering such writ, it may be served or delivered by leaving it at the residence of the person to whom it is directed, or by affixing it to some conspicuous place on the outside either of his dwelling house or of the place where the party is confined or under restraint.

CHAPTER 480

An act to validate certain acts of taxing agencies and revenue districts and of their officers, relating to property taxation.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. As used in this act "taxing agency" includes the state, county, and city. "Taxing agency" also includes every district that assesses property for taxation purposes and levies taxes or assessments on the property so assessed.

SEC. 2. As used in this act "revenue district" includes every city and district for which the county officers assess property and collect taxes or assessments.

SEC. 3. Every act and proceeding heretofore taken by any taxing agency or revenue district or the officers thereof relative to preparing, transmitting, computing, determining or fixing the budget or the tax rate or rates of any taxing agency or revenue district, or to the assessment or equalization of property or to the levy of taxes thereon or to tax sales or certificates of tax sales, tax deeds or other conveyances, are hereby confirmed, validated and declared legally effective.

SEC. 4. (a) This act is limited to the correction of defects, irregularities and ministerial errors which the Legislature originally could have omitted from the statutory requirements of law under which the acts hereby confirmed, validated and declared legally effective were taken.

(b) This act is limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) This act shall not operate to confirm, validate, or legalize any act, proceeding or other matter the legality of which is being contested or inquired into in any legal proceeding, now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

SEC. 5. If any provisions of this act or its application to any person or circumstances is held invalid, the remainder of the act and the application of its provisions to other persons or circumstances is not affected.

CHAPTER 481

An act to amend Section 620 of the Revenue and Taxation Code, relating to property taxation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 620 of the Revenue and Taxation Code is amended to read:

620. If the assessor does not send a notice pursuant to Section 619 to an assessee whose property was not on the prior year's secured roll, or to an assessee of real property on the local secured roll whose property's full cash value has increased, then such assessee may pay taxes under protest. If payments are made in installments, the protest need not be

repeated with the second installment. Protests shall be made by filing with the tax collector, together with the payment of the taxes or their first installment, a petition for assessment reduction on the form prescribed by the county board, which form the collector is to forward to the clerk of the county board with the notation that taxes were paid under protest pursuant to this section. The county board may, after receipt of the petition for assessment reduction from the tax collector, hold a public hearing at the next regular board meeting, notice of time and place of which shall be sent to the person paying the tax under protest at the address stated in the protest or if no such address is stated, then to the address of the assessee according to the last equalized assessment roll. If the taxes are so paid and the assessee has not previously applied for a reduction of the assessment, the county board at its next annual meeting as an equalization board shall thereupon equalize such assessment in the manner prescribed by Article 1 (commencing with Section 1601), Chapter 1, Part 3 of this division.

The tax rate fixed for property on the roll on which the property so equalized appears at the time of its original assessment shall be applied to the amount of the equalized assessment, determined in accordance with the preceding paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer shall be liable for tax only for the lesser amount, and the difference shall be canceled. If the taxpayer has already paid the tax previously computed, such difference shall be refunded to him pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax.

If any taxes are paid under protest pursuant to this section, the taxing agency to which the taxes are paid may, in accordance with Section 26906.1 of the Government Code, impound such taxes until the final disposition of the claim or action respecting the protest. No such impounding is required.

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:

It is essential for the 1967 assessment year that assessees be given an opportunity to request equalization when the assessed value of their property is increased by reason of an increase in the property's full cash value. This act will provide that opportunity to such assessees even though they have not been given notice of the increase pursuant to Section 619 of the Revenue and Taxation Code.

CHAPTER 482

An act to amend Sections 7071.6, 7071.8, 7071.9, 7071.10, and 7071.11 of, the Business and Professions Code, as enacted by Chapter 1604, Statutes of 1967, relating to contractors.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 7071.6 of the Business and Professions Code, as enacted by Section 5 of Chapter 1604, Statutes of 1967, is amended to read:

7071.6. Except as provided in Section 7071.8, the board shall require on or after July 1, 1969, as a condition precedent to the issuance, reinstatement, reactivation, or renewal of a license that the applicant file or have on file a contractor's bond in the sum of one thousand dollars ($1,000), or in lieu thereof, a cash deposit in the sum of one thousand dollars ($1,000).

SEC. 2. Section 7071.8 of the Business and Professions Code, as enacted by Section 1 of Chapter 1604, Statutes of 1967, is amended to read:

7071.8. If application for a license, or for restoration of a license, is made by

(1) Any person whose license has been suspended or revoked as a result of disciplinary action for violation of this chapter,

(2) Any person who was an officer, director, member, partner or qualifying individual for a licensee at any time during which cause for disciplinary action occurred resulting in suspension or revocation of said licensee's license and who had knowledge of or participated in the act or omission which was the cause for such disciplinary action for violation of this chapter,

(3) Any partnership, corporation, firm or association of which any officer, director, member, partner or qualifying person has had his license suspended or revoked as a result of disciplinary action for violation of this chapter, or

(4) Any partnership, corporation, firm or association of which any officer, director, member, partner or qualifying person was a member, officer, director, partner or qualifying person of a licensee at any time during which cause for disciplinary action occurred resulting in suspension or revocation of said license, and who had knowledge of or participated in the act or omission which was the cause for such disciplinary action for violation of this chapter, the board shall require as a condition precedent to the issuance, reissuance or restoration of a license to such applicant, or removal of suspension, that such applicant file or have on file a contractor's bond or cash deposit in a sum to be fixed by the registrar based upon the

seriousness of the violation, but which sum shall not be less than three times nor more than 10 times that amount required by Section 7071.6.

Such bond shall remain on file or in lieu thereof cash deposit be posted with the registrar for a period of at least two years and for such additional time as the registrar may determine.

Each applicant or licensee shall be required to file only one contractor's bond of the type described in this section.

Nothing contained in this section shall apply to a person or firm whose license has been suspended or revoked pursuant to Section 7124.1 or for a failure to comply with Section 7083.

SEC. 3. Section 7071.9 of the Business and Professions Code, as enacted by Section 7 of Chapter 1604, Statutes of 1967, is amended to read:

7071.9. In addition to the contractor's bond or cash deposit required pursuant to Sections 7071.5 to 7071.8, inclusive, the board shall require on or after July 1, 1969, as a condition precedent to the issuance, reinstatement, reactivation or reissuance of a license and on or after July 1, 1971, as a condition precedent to the renewal of a license that the qualifying individual as referred to in Sections 7068 and 7068.1 when he is not himself either the proprietor, a general partner, joint licensee, or the responsible managing officer, shall file or have on file a qualifying individual's bond as provided in Section 7071.10 in the sum of one thousand dollars ($1,000), or in lieu thereof, a cash deposit in the sum of one thousand dollars ($1,000).

SEC. 4. Section 7071.10 of the Business and Professions Code, as enacted by Section 8 of Chapter 1604, Statutes of 1967, is amended to read:

7071.10. The qualifying individual's bond or cash deposit required by this article shall be a bond issued by an admitted surety in favor of the State of California, in a form acceptable to the registrar and filed with the registrar by the qualifying individual, or in lieu thereof a cash deposit posted with the registrar. Such qualifying individual's bond or cash deposit shall be for the benefit of:

(a) Any person damaged as a result of a violation of this chapter by the licensee, (b) any person damaged by fraud of the licensee in the execution or performance of a contract, and (c) any employee of the licensee damaged by the licensee's failure to pay wages or fringe benefits.

The qualifying individual's bond shall not be required in addition to the contractor's bond when the qualifying individual is himself the proprietor under subdivision (a), a general partner under subdivision (b), or the responsible managing officer under subdivision (c) of Section 7068.

SEC. 5. Section 7071.11 of the Business and Professions Code, as enacted by Section 2 of Chapter 1604, Statutes of 1967, is amended to read:

7071.11. Any person claiming against any bond or cash deposit required by this article may maintain an action at law

against the licensee and the surety or the cash depository. A copy of the complaint shall be served by registered or certified mail upon the registrar by the clerk of the court at the time the action is commenced and the registrar shall maintain a record, available for public inspection, of all actions so commenced. The claim of any employee of the contractor for wages and fringe benefits shall be a preferred claim against any bond or cash deposit. If any bond or cash deposit which may be required is insufficient to pay all claims in full, the sum of the bond or cash deposit shall be distributed to all claimants in proportion to the amount of their respective claims with priority to claims for wages and fringe benefits. Any such action shall be brought within two years after the expiration of the license period or periods for which a bond or cash deposit has been provided.

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

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

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

Any judgment or admitted claim against any bond or cash deposit required by this article shall constitute grounds for disciplinary action against such licensee. Such license may not be reissued or reinstated while any judgment or admitted claim in excess of the amount of the bond or cash deposit remains unsatisfied. The board shall require the licensee to file a new bond in an amount as required pursuant to Section 7071.8 or to increase his cash deposit to such an amount.

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

SEC. 6. Sections 1 to 5, inclusive, of this act shall become operative on July 1, 1969.

CHAPTER 483

An act to amend Section 2292 of the Business and Professions Code, relating to subjects of podiatrist's examination.

[Approved by Governor July 3, 1968. Filed with Secretary of State July 3, 1968.]

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

SECTION 1. Section 2292 of the Business and Professions Code is amended to read:

2292. Applicants for a certificate to practice podiatry under Article 8, who matriculate before September 1, 1965, shall pass an examination in the following subjects:

(a) Anatomy and histology.
(b) Physiology, chemistry and hygiene.
(c) Pathology and bacteriology.
(d) Dermatology and syphilis.
(e) Orthopedics and surgery.
(f) Podiatry and therapeutics.

Applicants for a certificate to practice podiatry under Article 8, who matriculate on or after September 1, 1965, shall pass an examination in the following subjects:

(a) Anatomy and histology.
(b) Physiology, chemistry and hygiene.
(c) Pathology and bacteriology.
(d) Dermatology and syphilis.
(e) Orthopedics and surgery, and roentgenologic technique and radiation safety.
(f) Podiatry and therapeutics.

CHAPTER 484

An act to amend Section 670 of the Revenue and Taxation Code, relating to appraisers.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 670 of the Revenue and Taxation Code is amended to read:

670. (a) No person shall perform the duties or exercise the authority of an appraiser for property tax purposes as an employee of the state, any county or city and county, or city, either general law or chartered, unless he is the holder of a valid appraiser's certificate issued by the State Board of Equalization.

(b) The board shall provide for the examination of applicants for such certificates and may contract with the State

Personnel Board to give such examinations. Examinations shall be prepared by the board with the advice and assistance of a committee of five assessors selected by the assessors for this purpose. No certificate shall be issued to any person who has not attained a passing grade in such examination and demonstrated to the board that he is competent to perform the work of an appraiser as such competency is defined in regulations duly adopted by the board; provided, however, that any applicant for a certificate who is denied the same shall have a right to review of such denial in accordance with the State Administrative Procedure Act contained in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) Passage of a civil service or merit system examination for appraiser given by the state or any county or city and county or city shall suffice to meet the requirements of this section. The scope of such examination shall be approved by the Board of Equalization.

(d) Any person performing the duties of appraiser in county or city and county government at the time this section becomes effective shall be certified by examination on or before October 1, 1971, by the Board of Equalization The board shall issue an appraiser's certificate without further examination to state, county, or city and county employees who have passed a civil service or merit system examination for appraiser prior to July 1, 1967. With respect to city appraisers, such certificate shall be issued to employees who pass such an examination prior to the effective date of the amendment of this section at the 1968 Regular Session of the Legislature.

(e) Except as permitted by subdivision (f), no employee of the state, any county, city and county, or city, shall perform the duties or exercise the authority of an auditor or an auditor-appraiser under Section 469 or Section 1815.1 of this code, or under Section 15624 of the Government Code, unless he holds a degree with a specialization in accounting from a recognized institution of higher education, or is a licensed accountant in the State of California, or has passed the state, or a county, or city and county, or city civil service or merit system examination regularly given for the position of accountant or auditor by the testing body.

(f) Any person performing the duties of an auditor or auditor-appraiser for property tax purposes as an employee of the state, any county, or city and county at the time this section becomes effective shall fulfill the requirements of subdivision (e) of this section on or before October 1, 1972.

(g) This section does not apply to elected officials.

(h) No charge shall be made to counties or to applicants for examinations and certifications under this section or for training conducted by the board under Section 671.

CHAPTER 485

An act to amend and renumber Sections 10404 and 10422 of, and to add Sections 10404, 10422, 10432.1,, and 10613 to, the Health and Safety Code, relating to vital statistics.

[Approved by Governor July 9, 1968 Filed with Secretary of State July 9, 1968]

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

SECTION 1. Section 10404 of the Health and Safety Code is amended and renumbered to read:

10405. The amendment shall be filed with and become a part of the record to which it pertains.

SEC. 2. Section 10404 is added to the Health and Safety Code, to read:

10404. The State Registrar shall send a certified copy of the newly amended record of birth, death or marriage to the applicant without additional charge, except for those amendments which are filed within one year of the date of occurrence of the event.

SEC. 2.1. Section 10422 of the Health and Safety Code is amended and renumbered to read:

10423. This amendment to the record shall be handled in the manner prescribed in Article 1 (commencing with Section 10400) of this chapter.

SEC. 2.2. Section 10422 is added to the Health and Safety Code, to read:

10422. The State Registrar shall send a certified copy of the newly amended record of birth to the applicant without additional cost, except for those amendments which are filed within one year of the date of occurrence of the event.

SEC. 3. Section 10432.1 is added to the Health and Safety Code, to read:

10432.1. When requested by the adopting parent or parents, a new certificate shall not be established by the State Registrar.

SEC. 4. Section 10613 is added to the Health and Safety Code, to read:

10613. A fee of five dollars ($5) shall be paid to the State Registrar by the applicant for an amendment to a birth, death, or marriage record under provisions of Articles 1 (commencing with Section 10400) and 3 (commencing with Section 10420) of Chapter 8 of this division, except for those amendments which are filed within one year of the date of occurrence of the event.

SEC. 5. This act shall become operative January 1, 1969.

CHAPTER 486

An act to amend Section 63.6 of the Harbors and Navigation Code, relating to reports.

[Approved by Governor July 9, 1968 Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 63.6 of the Harbors and Navigation Code is amended to read:

63.6. On or before the 15th day of January of each odd-numbered year in which a regular session of the Legislature is held, the director shall make a report to the Legislature and to the Governor covering the operations of the department for the preceding biennium. The department shall also make such special reports as are requested by the Administrator of the Resources Agency or the Governor.

CHAPTER 487

An act to repeal Sections 2704 and 2844 of the Business and Professions Code, relating to nursing.

[Approved by Governor July 9, 1968 Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 2704 of the Business and Professions Code is repealed.

SEC. 2. Section 2844 of the Business and Professions Code is repealed.

CHAPTER 488

An act to amend Section 6.1 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945), relating to the San Luis Obispo County Flood Control and Water Conservation District.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 6.1 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945) is amended to read:

Sec. 6.1. Whenever a part only of a parcel of land is required by the district for the control or conservation of flood,

storm, or other waste waters, and the taking thereof, and the construction of the proposed public improvement thereon, will interfere with reasonable access to the remainder, or will otherwise cause substantial damage to the remainder, the district may condemn, purchase, or otherwise acquire the whole parcel of land and may sell the remainder or exchange the same for other property required for district purposes. Or, in lieu of such acquisition of the remainder, the district may condemn, purchase, or otherwise acquire an easement for ingress to and egress from the remainder for use by the public, including the owner of the land.

No authority is hereby granted to the district to acquire riding and hiking trails by condemnation.

CHAPTER 489

An act to add Sections 4104, 4170, and 4170.5 to, and to repeal Section 4120 of, the Public Resources Code, relating to uncontrolled fires.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 4104 is added to the Public Resources Code, to read:

4104. The term "uncontrolled fire," as used in this division, means any fire which threatens to destroy life, property, or resources and either: (1) is not burning within the confines of cleared firebreaks; or (2) is burning with such velocity that it could not be readily extinguished with the ordinary tools commonly available to private property.

SEC. 2. Section 4120 of the Public Resources Code is repealed.

SEC. 3. Section 4170 is added to the Public Resources Code, to read:

4170. Any uncontrolled fire burning on any lands covered wholly or in part by timber, brush, grass, grain or any other flammable material, without proper precaution being taken to prevent its spread notwithstanding the origin of such fire, is a public nuisance by reason of its menace to life and property.

SEC. 4. Section 4170.5 is added to the Public Resources Code, to read:

4170.5. The division or any other duly established fire protection agency may summarily abate an uncontrolled fire as a public nuisance by controlling and extinguishing the fire.

CHAPTER 490

An act to amend Sections 1030.2, 1047, 1048, and 1049 of, and to repeal Sections 1018, 1019, 1027, 1033, 1039.5 of, the Military and Veterans Code, relating to veterans' institutions.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 1018 of the Military and Veterans Code is repealed.

SEC. 2. Section 1019 of the Military and Veterans Code is repealed.

SEC. 3. Section 1027 of the Military and Veterans Code is repealed.

SEC. 4. Section 1030.2 of the Military and Veterans Code is amended to read:

1030.2. The department may enter into contracts with the United States or any agency thereof and any other governmental agency for the purpose of providing courses of vocational training for disabled veterans who have been bona fide residents of this state for five years.

SEC. 5. Section 1033 of the Military and Veterans Code is repealed.

SEC. 6. Section 1039.5 of the Military and Veterans Code is repealed.

SEC. 7. Section 1047 of the Military and Veterans Code is amended to read:

1047. The commandant shall maintain a post fund which shall be used, at the discretion of the commandant subject to the approval of the Director of Veterans Affairs, to provide for the general welfare of the home and its members to include but not limited to providing for operations of the Veterans' Home Exchange, motion picture theater, library, band, and to pay for newspapers, chapel expenses, welfare and entertainment expenses, sport activities, celebrations, and to pay for any necessary insurance to protect property of the fund or the Veterans' Home Exchange, or any other activity for the benefit of the home or its members.

SEC. 8. Section 1048 of the Military and Veterans Code is amended to read:

1048. The post fund shall include any profits from operations of the Veterans' Home Exchange, all donations to the fund, and any money from the estates of deceased members which have been held for five years and unclaimed by the heirs.

SEC. 9. Section 1049 of the Military and Veterans Code is amended to read:

1049. The post fund may be used to establish or operate a Veterans' Home Exchange which may conduct any lawful

endeavor which in the judgment of the commandant will benefit the members of the home The commandant may establish the Veterans' Home Exchange to operate at a profit.

CHAPTER 491

An act to add Section 53069 to the Government Code, relating to government contracts.

[Approved by Governor July 9, 1968 Filed with Secretary of State July 9, 1968]

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

SECTION 1. Section 53069 is added to the Government Code, to read:

53069. In any agreement entered into whereby any city, county, city and county, or local agency obtains a grant of easement, lease, license, right-of-way or right-of-entry, the city, county, city and county or agency entering into the agreement may agree to indemnify and hold harmless the grantor, lessor, or licensor and may agree to repair or pay for any damage proximately caused by reason of the uses authorized by such easement, lease, license, right-of-way, or right-of-entry agreement. "Local agency" shall include any public district, public corporation, or other political subdivision of the state.

SEC. 2. The addition made by Section 1 of this act does not constitute a change in, but is declaratory of, the preexisting law.

CHAPTER 492

An act to amend Section 15 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961), relating to the Desert Water Agency.

[Approved by Governor July 9, 1968 Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 15 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961) is amended to read:

Sec. 15. The Desert Water Agency incorporated as herein provided, shall have the power:

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

3. To adopt a seal and alter it at pleasure;

4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal prop-

erty of every kind, within or without the Desert Water Agency;

5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system for the benefit of the agency, and to complete, extend, add to, repair or otherwise improve any waterworks or waterworks system acquired by it as herein authorized.

6. To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the Desert Water Agency, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor.

7. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to the inhabitants of such cities and of other territory within the agency, and to persons, corporations, and other private agencies within the agency for use within said agency without any preference; also to sell water outside the boundaries of the agency to the extent that the lands and inhabitants so served are southerly and westerly of the White Water River and northerly of the township line between Township 4 South and Township 5 South, S B.B. & M., and exclusive of that certain subdivision known as Palm Springs Outposts Estates situated in Section 21, Township 4 South, Range 5 East, S.B.B. & M. and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said agency, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers;

8. The agency may supply and deliver water to property not subject to agency taxes at special rates, terms, and conditions as are determined by the board for such service.

9. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the agency or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and may condemn any existing waterworks or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation. In proceedings relative to

the exercise of such right, the agency shall have all of the rights, powers and privileges of a city; provided, the agency in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. The agency shall have or exercise no power of eminent domain with respect to property situated outside the boundaries of the agency other than the power to acquire by eminent domain any integrated water production, transmission and distribution facilities located partially within and without the boundaries of the agency, provided such integrated facilities are located southerly and westerly of the White Water River and northerly of the township line between Township 4 South and Township 5 South, S.B.B. & M., and exclusive of that certain subdivision known as Palm Springs Outposts Estates situated in Section 21, Township 4 South, Range 5 East, S.B.B. & M. The agency shall not have or exercise power of eminent domain as to any property belonging to a county water district which has more than 50,000 acres of land within its boundaries.

10. To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings.

11. To issue negotiable promissory notes bearing interest at a rate not exceeding 7 percent per annum; provided, however, that said notes shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of said agency; and provided further that the maturity shall not be later than five years from the date thereof and that the total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) in the Desert Water Agency but shall not otherwise exceed the lesser of either one million five hundred thousand dollars ($1,500,000) or 3 percent of the assessed valuation of the taxable property in the Desert Water Agency, or, if said assessed valuation is not obtainable, 3 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate. Promissory notes issued pursuant to Section 51 may be disregarded in computing the aggregate amount of notes that may be issued pursuant to this subdivision;

12. To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the

agency, including its formation expenses and any warrants issued therefor;

13. To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit the use of such water during such periods for specific uses which the agency may from time to time find to be nonessential;

14. To prescribe and define by ordinance, the restrictions, prohibitions and exclusions referred to in subdivision 13 hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the agency within 10 days after adoption, or if there be no such newspaper it shall be posted within said time in three public places within the agency;

15. To make contracts, to employ labor, and do all acts necessary for the full exercise of the foregoing powers;

16. In case of condemnation proceedings the board shall proceed in the name of the agency;

17. To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them;

18. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses and protection of the agency or its inhabitants or the owners of rights to water therein; provided, however, that all waters of the Whitewater River System are excluded from the provisions hereof, except such waters of said system as may be lawfully acquired by the Desert Water Agency.

19. Subject to the limitations in subdivision 9 of this section, to join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for

contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, the Metropolitan Water District of Southern California, or other public district of this state. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the Desert Water Agency, or an improvement district thereof, incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency, or an improvement district thereof, voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency. The exact form of such contract need not be available at the time of the special election, but the (1) purpose of the contract; (2) maximum amount of the indebtedness created thereby; (3) maximum term of repayment, and (4) maximum interest rate on such indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the agency, or an improvement district thereof, at such special election.

20. To commence, maintain, intervene in, defend and compromise, in the name of the agency, or as a class representative of the inhabitants, property owners, taxpayers, or water producers or water users within the agency, or otherwise, and to assume the costs and expenses of any and all actions and proceedings, now or hereafter begun, involving or affecting the ownership or use of water or water rights, used or useful for any purpose of the agency, or a common benefit to the lands within the agency or its inhabitants.

20.1. To commence, maintain, intervene in, defend and compromise, in the name of the agency, or as a class representative of the inhabitants, property owners, taxpayers, water producers or water users within the agency or otherwise, and to assume the costs and expenses of any and all actions or proceedings, now or hereafter begun, to prevent, control, or abate the pollution of water used or useful for any purpose of the agency, or a common benefit to lands within the agency, or to the inhabitants of the agency, or any watershed or basin overlain in whole or in part by the agency or which contributes to the water supply of the agency.

21. Distribute water to persons in exchange for ceasing or reducing ground water extractions and to fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of ground water, and to such end an agency may become a party to such contract and pay from the agency funds such portion of the cost of such replenishment waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the agency are directly or indirectly benefited by the resulting replenishment.

22. To issue bonds under Section 28 of this act for the purpose of providing money required to be paid by this agency as all or part of the terms and conditions under which the corporate area of the Desert Water Agency may be annexed to and become a part of any metropolitan water district organized under the Metropolitan Water District Act. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

23. To issue revenue bonds for any purpose for which general obligation bonds may be issued, and for any purpose for which such bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to this agency.

24. To use the Improvement Act of 1911 for the construction of any facilities authorized to be constructed under the provisions of this act. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the Desert Water Agency. In the application of said Improvement Act of 1911 to proceedings instituted by the Desert Water Agency, the terms used in said Improvement Act of 1911 shall have the following meanings:

(a) "City council" and "council" shall mean the board of directors of the Desert Water Agency.

(b) "Municipality" and "city" shall mean the Desert Water Agency.

(c) "Clerk" and "city clerk" shall mean the secretary.

(d) "Superintendent of streets," "street superintendent" and "city engineer" shall mean the chief engineer of the agency.

(e) "Tax collector" shall mean the county tax collector.

(f) "Treasurer" and "city treasurer" shall mean the treasurer of the Desert Water Agency.

(g) "Mayor" shall mean the president of the board of directors of the Desert Water Agency.

(h) "Right-of-way" shall mean any parcel of land in, on, under or through which a right-of-way or easement has been granted to the agency for the purpose of constructing and maintaining any works or improvements of the Desert Water Agency.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed and recorded in the office of the secretary of the Desert Water Agency.

CHAPTER 493

An act to amend Section 2551 of the Business and Professions Code, relating to registered dispensing opticians.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 2551 of the Business and Professions Code is amended to read:

2551. Individuals and firms shall make application for registration and shall not engage in such business prior to being issued a certificate of registration. Application for such registration shall be on forms prescribed by the board, shall bear the signature of the individual, or individuals if a copartnership, or the president or secretary if a corporation, and shall contain the name under which he, they or it proposes to do business and the business address. Separate applications shall be made for each place of business and each application must be accompanied by the application fee prescribed by Section 2460.

CHAPTER 494

An act to amend Sections 12800 and 12805 of, to add Article 5 (commencing with Section 13000) to Chapter 1 of Division 6 of, and to add Sections 14902 and 14903 to, the Vehicle Code, relating to identification cards.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 12800 of the Vehicle Code is amended to read:

12800. Every application for a driver's license shall contain the following information:

(a) The applicant's true full name, age, sex, and residence address.

(b) A brief description of the applicant for the purpose of identification.

(c) The type of motor vehicle or combination of vehicles the applicant desires to operate.

(d) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(e) Whether the applicant has ever previously been refused a driver's license in this state and, if so, the date of and the reason for the refusal.

(f) Whether the applicant has previously operated a motor vehicle and, if so, for what length of time.

(g) Whether the applicant has the normal use of both hands and feet.

(h) Whether the applicant has ever been afflicted with apoplexy, epilepsy, paralysis, insanity, or other disability or disease affecting his ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(i) Whether the applicant understands traffic signs and signals.

(j) Whether the applicant has ever previously been issued an identification card by the department.

(k) Any other information necessary to enable the department to determine whether the applicant is entitled to a license under this code.

SEC. 2. Section 12805 of the Vehicle Code is amended to read:

12805. The department shall not issue or renew a driver's license to any person:

(a) Who is not of legal age to receive such license.

(b) Who, because of excessive and continuous use of alcoholic liquors, is incapable of safely operating a motor vehicle, or who is addicted to the use of narcotic drugs or an habitual user of any other drug rendering the person incapable of safely operating a motor vehicle.

(c) Who is insane or feebleminded or an idiot or an imbecile.

(d) Who is an epileptic.

(e) Who is unable as shown by examination to understand traffic signs or signals or who does not have a reasonable knowledge of the provisions of this code governing the operations of vehicles upon the highways.

(f) When it appears by examination or other evidence that such person is unable to operate a motor vehicle upon a highway safely because of physical or mental defect or lack of skill.

(g) Who is unable to read and understand simple English used in highway traffic and directional signs. The provisions

of this subdivision shall not apply to any person holding an operator's or chauffeur's license issued by this state and valid on September 11, 1957.

(h) Who holds a valid driver's license issued by a foreign jurisdiction unless he surrenders that license to the department.

(i) Who has ever held, or is the holder of a license to drive issued by another state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and such license has been suspended by reason, in whole or in part, of a conviction of a traffic violation until the suspension period has terminated, except as provided in subdivision (b) of Section 12806.

(j) Who has ever held, or is the holder of a license to drive issued by another state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and such license has been revoked by reason, in whole or in part, of a conviction of a traffic violation until the revocation has been terminated or after the expiration of one year from the date the license was revoked, whichever occurs first, except as provided in subdivision (b) of Section 12806.

(k) Who holds a valid identification card issued under this code unless he surrenders that identification card to the department.

SEC. 3. Article 5 (commencing with Section 13000) is added to Chapter 1 of Division 6 of the Vehicle Code, to read:

Article 5. Identification Cards

13000. Any person 21 years of age or older who does not have a valid California driver's license may be issued an identification card by the department certified by the registrant and attested by the department as to true name, correct age, and other identifying data as the department may require. Every application for an identification card shall be signed and verified by the applicant before a person authorized to administer oaths.

13001. The department shall issue an identification card only to a person who does not have a valid California driver's license, and only upon the furnishing of a birth certificate, or a registration certificate issued under the Federal Selective Service Act, or social security number, and other bona fide documentary evidence of majority and identity of such person, as the department may require.

13002. Every identification card shall expire, unless surrendered earlier, on the fourth birthday of the applicant following the date of original issue. Renewal of any identification card shall be made for a term which shall expire on the fourth birthday of the applicant following expiration of the identification card renewed, unless surrendered earlier.

13003. In the event an identification card issued under this code is lost, destroyed, mutilated, or a new name is acquired,

the person to whom it was issued shall obtain a duplicate upon furnishing satisfactory proof of such fact to the department. Any person who loses an identification card and who, after obtaining a duplicate, finds the original card shall immediately surrender the original card to the department. The same documentary evidence shall be furnished for a duplicate as for an original identification card.

13004. It is unlawful for any person:

(a) To display or cause or permit to be displayed or have in his possession any surrendered, fictitious, fraudulently altered, or fraudulently obtained identification card.

(b) To lend his identification card to any other person or knowingly permit the use thereof by another.

(c) To display or represent any identification card not issued to him as being his card.

(d) To permit any unlawful use of an identification card issued to him.

(e) To do any act forbidden or fail to perform any act required by this article.

(f) To photograph, photostat, duplicate, or in any way reproduce any identification card or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or have in his possession any such photograph, photostat, duplicate, reproduction, or facsimile unless authorized by the provisions of this code.

13005. The identification card shall resemble in appearance, so far as is practicable, driver's licenses issued pursuant to this code It shall adequately describe the registrant, bear his or her picture, and bear the following: "State of California"—"Identification Card No. ___"—"This card is provided solely for the purpose of establishing that the bearer described on the card was not the holder of a valid driver's license as of the date of issuance of this card." The identification card shall be sealed in transparent plastic or similar substance.

13006. No public entity shall be liable for any loss or injury resulting directly or indirectly from false or inaccurate information contained in identification cards provided for in this article.

13007. Whenever any person after applying for or receiving an identification card acquires an address different from the address shown on the identification card issued to him, he shall within 10 days thereafter notify the department in writing of his old and new address. The department may thereupon take such action as necessary to insure that the identification card reflects the proper address of the identification card holder.

SEC. 4. Section 14902 is added to the Vehicle Code, to read:

14902. Upon an application for an identification card there shall be paid to the department a fee of three dollars ($3), which fee shall be deposited in the Motor Vehicle Fund.

SEC. 5. Section 14903 is added to the Vehicle Code, to read:

14903. Upon an application for a duplicate identification card there shall be paid the department a fee of two dollars ($2), which fee shall be deposited in the Motor Vehicle Fund.

CHAPTER 495

An act to amend Section 4125 of the Penal Code, relating to prisoner's credit for work.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 4125 of the Penal Code is amended to read:

4125. Each person in custody on any industrial farm or industrial road camp who is found to have any person or persons dependent on him for support, as provided in Section 4127, shall be credited with a sum not to exceed two dollars ($2) for each day of eight hours work done by him on such farm or camp. Every other person in custody on an industrial farm or camp shall be credited with a sum not to exceed one dollar ($1) for each day of eight hours work done by him on such farm or camp.

CHAPTER 496

An act to amend Section 17234 of the Revenue and Taxation Code, relating to personal income tax deductions.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 17234 of the Revenue and Taxation Code is amended to read:

17234. In computing taxable income there shall be allowed as a deduction political contributions by any person not in excess of one hundred dollars ($100), in any year.

CHAPTER 497

An act to amend Section 2512 of, and to add Section 165 to, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 165 is added to the Revenue and Taxation Code, to read:

165. (a) Whenever a taxpayer is required to file any statement, payment, affidavit, application, or any other paper or document with a taxing agency by a specified time on a specified date, such filing shall be deemed to be within the specified period if it is sent by United States mail, properly addressed with postage prepaid, and bears a post office cancellation mark of the specified date, or earlier within the specified period, stamped on the envelope, or on itself.

(b) The provisions of this section shall supersede any contrary special provision of this division unless such special provision specifically provides that this section shall not be applicable.

(c) The provisions of this section are applicable to any filing required to be made by ordinance, rule, or regulation of a taxing agency.

(d) It is the intent of the Legislature that this section be liberally construed in favor of the taxpayer and be applicable to all filings relating to property taxation which are required to be made by a taxpayer by a specified time on a specified date.

SEC. 2. Section 2512 of the Revenue and Taxation Code is amended to read:

2512. If a remittance to cover a payment required by law to be made to a taxing agency on or before a specified date is sent through the United States mail, properly addressed with postage prepaid, it shall be deemed received on the date shown by the post office cancellation mark stamped upon the envelope containing the remittance or on the date it was mailed if proof satisfactory to the agency establishes that the mailing occurred on an earlier date.

If a remittance to cover a payment required by law to be made to the agency on or before a specified time on a specified date is sent through the United States mail, properly addressed with postage prepaid, and the cancellation mark is placed on the envelope after it is deposited in the mail:

(a) Where the cancellation mark shows both date and time, the remittance shall be deemed received on the date shown by the cancellation mark and by the times specified by law for that date or on the date it was mailed and within the time specified by law for that date if proof satisfactory to the agency establishes that the mailing occurred on an earlier date.

(b) Where the cancellation mark shows only the date, the remittance shall be deemed received within the time and date specified when the cancellation mark bears a date on or before which payment is required or on the date it was mailed and within the time specified by law for that date if proof satisfactory to the agency establishes that the mailing occurred on an earlier date.

The taxing agency need not accept such a payment if it is received more than 30 days after the date and time set by law for the payment.

CHAPTER 498

An act to amend Section 31304 of the Water Code, relating to county water districts.

[Approved by Governor July 9, 1968 Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 31304 of the Water Code is amended to read:

31304. The district may issue negotiable promissory notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the district payable from revenues and taxes, unless paid from other available funds of the district, in the same manner as bonds of said district; and provided further, that the maturity shall not be later than five years from the date thereof and that the total aggregate amount of such notes outstanding at any one time shall not exceed 2 percent of the assessed valuation of the taxable property in the district or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate; and provided further, that a district which has been formed for less than 18 months may borrow an amount not exceeding twenty-five thousand dollars ($25,000), or an amount not exceeding 2 percent of the assessed valuation or estimated valuation of the taxable property in the district, whichever is greater, and no district shall borrow for purposes other than flood control in excess of five hundred thousand dollars ($500,000).

CHAPTER 499

An act to amend Section 13297 of the Government Code, relating to Treasury cash count.

[Approved by Governor July 9, 1968 Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 13297 of the Government Code is amended to read:

13297. The money in the Treasury shall be counted by the director at least twice each year, without giving the Treasurer any previous notice of the day or hour of counting.

At any counting the director may place any sum in bags or boxes and mark and seal them with a seal adopted and kept by him. At any subsequent counting he may count each sealed bag or box separately and credit at the value stamped thereon the contents of the bags or boxes as part of the money counted without making a detailed count of the contents.

CHAPTER 500

An act to add Section 19257.5 to the Government Code, relating to state personnel.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 19257.5 is added to the Government Code, to read:

19257.5. Where the appointment of an employee has been made and accepted in good faith, but where such appointment would not have been made but for some mistake of law or fact which if known to the parties would have rendered the appointment unlawful when made, the board may declare the appointment void from the beginning if such action is taken within one year after the appointment.

CHAPTER 501

An act to amend Sections 6054.5, 6204 and 6471 of the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 6054.5 of the Revenue and Taxation Code is amended to read:

6054.5. (a) When an amount represented by a person to a customer as constituting reimbursement for taxes due under this part is computed upon an amount that is not taxable or is in excess of the taxable amount and is actually paid by the customer to the person, the amount so paid shall be returned by the person to the customer upon notification by the Board of Equalization or by the customer that such excess has been ascertained. In the event of his failure or refusal to do so, the amount so paid, if knowingly computed by the person upon an amount that is not taxable or is in excess of the taxable amount, shall constitute an obligation due from him to this state.

(b) When transactions occur during any period for which a return is required to be filed and the total of the amounts represented by a person to his customers as constituting reim-

bursement for taxes due under this part with respect to those transactions exceed the taxes due from the person measured by his gross receipts during that period, the excess, if paid by and not returned to the customers, shall constitute an obligation due from the person to this state. The provisions of this subdivision shall apply when the amounts are mistakenly and not knowingly computed upon amounts that are not taxable or are in excess of the taxable amounts.

(c) The obligations specified in subdivisions (a) and (b) may be determined and collected by the board in accordance with Chapters 5 and 6 of this part. The amount so collected shall be refunded by the board to the person in accordance with Chapter 7 of this part, only upon submission of proof to the satisfaction of the board, or in the event the board denies his claim for refund, to the satisfaction of the superior court, that such amount has been returned or will be returned to his customers.

(d) The foregoing shall not apply to an amount computed by using a schedule designed to result in reimbursement in an amount as nearly equivalent as practicable to the tax applicable to total taxable sales and to the average amount of individual taxable sales.

SEC. 2. Section 6204 of the Revenue and Taxation Code is amended to read:

6204. The tax required to be collected by the retailer and any amount unreturned to the customer which is not tax but was collected from the customer under the representation by the retailer that it was tax constitutes debts owed by the retailer to this state.

SEC. 3. Section 6471 of the Revenue and Taxation Code is amended to read:

6471. Upon written notification by the board, any person whose estimated measure of tax liability under this part averages seventeen thousand dollars ($17,000) or more per month, as determined by the board, shall, without regard to the measure of tax in any one month, prepay not less than 90 percent of the amount of state and local tax liability for each of the first two monthly periods of each quarterly period. Persons engaged in their present business during all of the corresponding quarterly period of the preceding year, or persons who are successors to a business which was in operation during all of that quarterly period, may satisfy the above prepayment requirement by payment of an amount equal to one-third of the measure of tax liability reported on the return or returns filed for that quarterly period of the preceding year multiplied by the state and local tax rate in effect during the month for which the prepayment is made. Prepayment shall be made during the quarterly period designated by the board and during each succeeding quarterly period until further notified in writing by the board.

CHAPTER 502

An act to add Section 27513.5 to the Elections Code, relating to municipal recall elections.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 27513.5 is added to the Elections Code, to read:

27513.5. If the recall petition is directed to the recall of an officer whose term of office is scheduled to end in less than six months after the petition is submitted to the legislative body, the legislative body shall not order a special election and the recall question shall not appear on the ballot of the election at which the office is to be regularly filled.

CHAPTER 503

An act to amend Sections 89, 112, and 117 of the Code of Civil Procedure, relating to civil jurisdiction of courts.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 89 of the Code of Civil Procedure is amended to read:

89. 1. Municipal courts shall have original jurisdiction of civil cases and proceedings as follows:

(a) In all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to five thousand dollars ($5,000) or less, except cases which involve the legality of any tax, impost, assessment, toll or municipal fine, except such courts shall have jurisdiction in actions to enforce payment of delinquent unsecured personal property taxes if the legality of the tax is not contested by the defendant.

(b) In actions for dissolution of partnership, where the total assets of the partnership do not exceed five thousand dollars ($5,000); in actions of interpleader, where the amount of money, or the value of the property involved, does not exceed five thousand dollars ($5,000).

(c) To cancel or rescind a contract, when such relief is sought in connection with an action to recover money, not exceeding five thousand dollars ($5,000), or property of a value not exceeding five thousand dollars ($5,000), paid or delivered under or in consideration of such contract; to revise a contract where such relief is sought in an action upon such contract, of which action the court otherwise has jurisdiction.

(d) In all proceedings in forcible entry or forcible or unlawful detainer, where the rental value is six hundred dollars ($600) or less per month, and where the whole amount of damages claimed is five thousand dollars ($5,000) or less.

(e) In all actions to enforce and foreclose liens on personal property, where the amount of such liens is five thousand dollars ($5,000) or less.

(f) In all actions to enforce and foreclose liens of mechanics, materialmen, artisans, laborers, and of all other persons to whom liens are given under the provisions of Chapter 2, Title 4, Part 3 of this code, where the amount of such liens is five thousand dollars ($5,000) or less; provided, that where an action to enforce any such lien is pending in a municipal court, and affects property which is also affected by a similar action pending in a superior court, or where the total amount of such liens sought to be foreclosed against the same property, by action or actions in a municipal court, aggregates an amount in excess of five thousand dollars ($5,000), the municipal court, in which any such action, or actions, is, or are, pending, upon motion of any interested party, shall order such action or actions pending therein transferred to the proper superior court. Upon the making of such order, the same proceedings shall be taken as are provided by Section 399 of this code, with respect to the change of place of trial.

(g) In actions for declaratory relief when brought by way of cross-complaint as to a right of indemnity with respect to the relief demanded in the complaint or a cross-complaint in an action or proceeding otherwise within the jurisdiction of the municipal court.

(h) To issue temporary restraining orders and preliminary injunctions, to take accounts, and to appoint receivers, where necessary to preserve the property or rights of any party to an action of which the court has jurisdiction; to appoint a receiver in aid of execution as provided in Section 564, subdivision 4 of the Code of Civil Procedure; to charge the interest of a debtor partner with payment of the unsatisfied amount of any judgment rendered by such court in the manner provided in Section 15028 of the Corporations Code, or any amendment thereof, and in such cases to appoint a receiver and to make any order or perform any act mentioned or authorized in said section; in proceedings under Section 689 of this code, or any amendments thereof, to determine title to personal property seized in an action pending in, or upon execution issued by, such court.

(i) In all actions under Section 720 for the recovery of an interest in personal property or to enforce the liability of the debtor of a judgment debtor, where the interest claimed adversely is of a value not exceeding five thousand dollars ($5,000) or the debt denied does not exceed five thousand dollars ($5,000).

2. Each municipal court shall have jurisdiction of all cases in equity to try title to personal property when the amount involved is not more than five thousand dollars ($5,000) and of all cases in equity when pleaded as defensive matter, in any case properly pending in such municipal court.

SEC. 2. Section 112 of the Code of Civil Procedure is amended to read:

112. Justice courts shall have original jurisdiction of civil cases and proceedings as follows:

(a) In all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to five hundred dollars ($500) or less, except cases at law which involve the title or possession of real estate or the legality of any tax, impost, assessment, toll or municipal fine, except such courts shall have jurisdiction in actions to enforce payment of delinquent unsecured personal property taxes if the legality of the tax is not contested by the defendant;

(b) In all proceedings in forcible entry, or forcible or unlawful detainer where the rental value is one hundred twenty-five dollars ($125) or less per month, and where the whole amount of damages claimed is five hundred dollars ($500) or less, and in such proceedings any competent evidence may be given and any question properly involved therein may be determined;

(c) In all cases to enforce and foreclose liens on personal property where the amount of such liens is five hundred dollars ($500) or less;

(d) To charge the interest of a debtor partner with payment of the unsatisfied amount of any judgment rendered by such court in the manner provided in Section 15028 of the Corporations Code, or any amendment thereof, and in such cases to appoint a receiver and to make any order or perform any act mentioned or authorized in said section; in proceedings under Section 689 of this code, or any amendment thereof, to determine title to personal property, seized in an action pending in, or upon execution issued by, such court; to appoint receivers in the cases mentioned in Section 547a of this code, or any amendment thereof, and to make all orders and perform all acts mentioned in said sections in connection with such cases.

(e) In all actions under Section 720 for the recovery of an interest in personal property or to enforce the liability of the debtor of a judgment debtor, where the interest claimed adversely is of a value not exceeding five hundred dollars ($500) or the debt denied does not exceed five hundred dollars ($500).

SEC. 3. Section 117 of the Code of Civil Procedure is amended to read:

117. All judges of the justice court, except as otherwise provided in this section, and judges of the municipal court shall exercise the jurisdiction conferred by this chapter, and while sitting in the exercise of said jurisdiction shall be known and referred to as the small claims court; provided, that the

jurisdiction of such court, when sitting as a small claims court, shall be confined to cases for the recovery of money only where the amount claimed does not exceed three hundred dollars ($300), except that a municipal court judge sitting as a small claims court shall also have jurisdiction in proceedings in unlawful detainer after default in rent for residential property where the term of tenancy is not greater than month to month, and where the whole amount claimed is three hundred dollars ($300) or less.

Such courts shall have jurisdiction in actions to enforce payment of delinquent unsecured personal property taxes if the legality of the tax is not contested by the defendant.

Action shall be commenced and maintained in small claims court as follows:

(1) When a defendant has contracted to perform an obligation in a particular judicial district, an action founded on such obligation may be commenced and maintained either in the judicial district where such obligation is to be performed, or in which the defendant, or any such defendant, resides at the commencement of the action.

(2) When the action be for injury to person or to personal property, either the judicial district where the injury occurs, or where the defendants, or any of them, reside at the commencement of the action, shall be the proper judicial district for the trial of the action.

(3) In all other cases, actions shall be commenced and maintained in the judicial district in which the defendant, or any such defendant, resides at the commencement of the action.

CHAPTER 504

An act to amend Sections 74702, 74722, 74723 and 74725 of the Government Code, relating to courts.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 74702 of the Government Code is amended to read:

74702. There shall be one clerk who shall receive a minimum salary of seven hundred ten dollars ($710) monthly with annual increments of thirty-five dollars ($35), thirty-seven dollars ($37), thirty-nine dollars ($39), and forty-one dollars ($41), to a maximum of eight hundred sixty-two dollars ($862).

SEC. 2. Section 74722 of the Government Code is amended to read:

74722. There shall be one clerk who shall receive a minimum salary of seven hundred ten dollars ($710) monthly with

annual increments of thirty-five dollars ($35), thirty-seven dollars ($37), thirty-nine dollars ($39), and forty-one dollars ($41), to a maximum of eight hundred sixty-two dollars ($862).

SEC. 3. Section 74723 of the Government Code is amended to read:

74723. The clerk may appoint:

(a) Two assistant clerks, each of whom shall receive a minimum salary of five hundred thirty dollars ($530) monthly with annual increments of twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29), and thirty-one dollars ($31) to a maximum salary of six hundred forty-four dollars ($644).

(b) One deputy clerk, grade II, who shall receive a minimum salary of four hundred fifteen dollars ($415) monthly with annual increments of twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23) and twenty-four dollars ($24), to a maximum of five hundred five dollars ($505).

(c) Two deputy clerks, grade I, each of whom shall receive a minimum salary of three hundred fifty-eight dollars ($358) monthly, with annual increments of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), and twenty-one dollars ($21), to a maximum of four hundred thirty-six dollars ($436).

SEC. 4. Section 74725 of the Government Code is amended to read:

74725. Certain classes of employment in the municipal courts are deemed to be equivalent in job and salary level to certain classes in the service of the County of Sonoma, and, whenever the salary of said classes in the service of the County of Sonoma is adjusted by the board of supervisors, the salary of the comparable classes in the municipal courts shall be adjusted a like extent. Such adjustment shall be effective on the same date as the effective date of the action by the board of supervisors, as it applies to the classes in the service of the county, but such adjustments shall be effective only until the 61st day after the adjournment of the next regular session of the Legislature which commences thereafter.

(a) The class of clerk of the municipal court is equivalent in job and salary level to the class of assistant county clerk.

(b) The class of assistant clerk is equivalent in job and salary level to the class of executive secretary.

(c) The class of deputy clerk II is equivalent in job and salary level to the class of clerk-typist III.

(d) The class of deputy clerk I is equivalent in job and salary level to the class of clerk-typist II.

CHAPTER 505

An act to amend Section 286 of the Vehicle Code, relating to vehicle dealers.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 286 of the Vehicle Code is amended to read:

286. The term "dealer" does not include:

(a) Insurance companies, banks, finance companies, public officials, or any other person coming into possession of vehicles in the regular course of business, who shall sell such vehicles under a contractual right or obligation, or in performance of an official duty, or in authority of any court of law; provided, such sale is for the purpose of saving the seller from loss or pursuant to the authority of a court of competent jurisdiction.

(b) Persons who sell or distribute vehicles of a type subject to registration for a manufacturer to vehicle dealers licensed under this code, or who are employed by manufacturers or distributors to promote the sale of vehicles dealt in by such manufacturers or distributors; provided, however, that if any such persons also sell vehicles at retail, they shall be deemed to be vehicle dealers and are subject to this code.

(c) Persons regularly employed as salesmen by vehicle dealers licensed under this code while acting within the scope of such employment.

(d) Persons exclusively engaged in the bona fide business of exporting vehicles or of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States; provided, no federal excise tax is legally payable on any of such transactions, or such tax is legally refundable on such transactions. Persons not exclusively engaged in the bona fide business of exporting vehicles but who are engaged in the business of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States shall be exempt from licensure as dealers only if their sales of such vehicles produces less than 10 percent of their total gross revenue from all business transacted.

(e) Persons not engaged in the purchase or sale of vehicles as a business, disposing of vehicles acquired for their own use, or for use in their business when the same shall have been so acquired and used in good faith, and not for the purpose of avoiding the provisions of this code.

(f) Persons who are engaged in a business involving the purchase, sale or exchange of boat trailers.

(g) Persons who are engaged in a business activity which does not involve the purchase, sale or exchange of vehicles except incidentally in connection with the purchase, sale or exchange of vehicles of a type not subject to registration under

this code, boat trailers or midget autos or racers advertised as being built exclusively for use by children, minibikes, tote goats, and vehicles of a similar nature which are not intended for use on the highways.

(h) Persons temporarily retained as auctioneers solely for the purpose of disposing of vehicle stock inventories on behalf of the owners thereof by means of public auctions at the location of such owners' place of business, or as otherwise approved by the department, provided intermediate physical possession or control of, or an ownership interest in such inventory is not conveyed to the persons so retained.

CHAPTER 506

An act to add Section 267 to the Education Code, relating to annuity plans.

[Approved by Governor July 9, 1968 Filed with Secretary of State July 9, 1968]

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

SECTION 1. Section 267 is added to the Education Code, to read:

267. The State Director of Education, subject to such conditions as the State Board of Education may establish, may purchase annuity contracts for the employees of the California School for the Deaf provided for in Chapter 1 (commencing with Section 25551) of Division 19 of this code, the California School for the Blind provided for in Chapter 2 (commencing with Section 25751) of Division 19 of this code, and the diagnostic schools for neurologically handicapped children provided for in Chapter 5 (commencing with Section 26401) of Division 19 of this code, and shall reduce the salary of any such employee for whom such contract is purchased in the amount of the cost thereof; provided that each of the following conditions are met:

(a) The annuity contract is under an annuity plan which meets the requirements of subdivision (b) of Section 403 of the Internal Revenue Code of 1954 of the United States.

(b) The employee makes application to the director for such purchase and reduction of salary.

(c) All provisions of the Insurance Code applicable to the purchase of such annuities are satisfied.

CHAPTER 507

An act to amend Section 18973 of the Government Code, relating to the state civil service.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 18973 of the Government Code is amended to read:

18973. In the case of all other entrance examinations, a veteran with 30 days or more of service and widows of veterans who become eligible for certification from eligible lists by attaining the passing mark established for the examination, shall be allowed one of the following additional credits:

(a) Disabled veterans, 15 points.

(b) All other veterans and widows of veterans, 10 points.

For the purpose of this section, "veteran" means any person who has served full time for 30 days or more in the armed forces in time of war or in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States, or during the period September 16, 1940, to January 31, 1955, or who has served at least 181 consecutive days since January 31, 1955, and who has been discharged or released under conditions other than dishonorable, but does not include any person who served only in auxiliary or reserve components of the armed forces whose service therein did not exempt him from the operation of the Selective Training and Service Act of 1940.

For the purpose of this section the termination of World War II shall be considered as of midnight, December 31, 1946.

For the purpose of this section "disabled veteran" means any veteran as defined herein who is currently declared by the United State Veterans Administration to be 10 percent or more disabled as a result of his service. Proof of such disability shall be deemed conclusive if it is of record in the United States Veterans Administration.

CHAPTER 508

An act to amend Section 21460 of the Vehicle Code, relating to highway traffic devices.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 21460 of the Vehicle Code is amended to read:

21460. (a) When double parallel solid white or yellow lines are in place, no person driving a vehicle shall drive to the left thereof, except as permitted in this section.

A double parallel solid line consists of two parallel solid white or yellow lines, each four inches in width, separated by a black line three inches in width or a corresponding width of pavement.

(b) When the double line described in this subdivision is in place, no person driving a vehicle shall drive to the left thereof, except that the driver on that side of the roadway in which the broken line is in place may cross over the double line or drive to the left thereof when overtaking or passing other vehicles.

The double line consists of two parallel lines, one of which shall be a solid white or yellow line and one a broken white line, each four inches in width separated by a black line three inches in width or a corresponding width of pavement. The term "broken line" used herein shall mean a line in which the breaks or unmarked portions thereof do not exceed 26 feet in length and the solid or marked portions thereof between the breaks are not less than eight feet in length.

(c) Either of the markings as specified in subdivision (a) or (b) shall not prevent a driver from turning to the left across any such marking at any intersection or into or out of a driveway, or making a U-turn under the rules governing such movement, and either of the markings shall be disregarded when authorized signs have been erected designating offcenter traffic lanes as permitted under Section 21657.

(d) Raised pavement markers may be used to simulate painted lines described in this section when such markers are placed in accordance with standards established by the Department of Public Works.

CHAPTER 509

An act to amend Section 21460.5 of the Vehicle Code, relating to two-way turning lanes.

[Approved by Governor July 9, 1968 Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 21460.5 of the Vehicle Code is amended to read:

21460.5. (a) The Department of Public Works and local authorities in their respective jurisdictions may designate a two-way left-turn lane on a highway. A two-way left-turn lane is a lane near the center of the highway set aside for use by

vehicles making left turns in both directions from or into the highway.

(b) Two-way left-turn lanes shall be designated by distinctive roadway markings consisting of parallel dashed double yellow lines on each side of the lane. The Department of Public Works may determine and prescribe standards and specifications governing length, width, and positioning of the distinctive pavement markings in accordance with the procedures set forth in the Administrative Procedure Act (commencing with Section 11370 of the Government Code). On and after January 1, 1967, pavement markings designating a two-way left-turn lane shall conform to such standards and specifications.

(c) A vehicle shall not be driven in a designated two-way left-turn lane except when preparing for or making a left turn. A left turn shall not be made from any other lane where a two-way left-turn lane has been designated.

CHAPTER 510

An act to amend Section 820 of the Streets and Highways Code, relating to federal aid to highways.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 820 of the Streets and Highways Code is amended to read:

820. The State of California assents to the provisions of Title 23, United States Code, as amended and supplemented. All work done under the provisions of Title 23 or other acts of Congress relative to federal aid, or other cooperative highway work, or to emergency construction of public highways with funds apportioned by the government of the United States, shall be performed as required under acts of Congress and the rules and regulations promulgated thereunder. Laws, rules, or regulations of this state inconsistent with such laws, or rules and regulations of the United States, shall not apply to such work, to the extent of such inconsistency.

The department shall submit an annual report to the Legislature, no later than January 30th of each year, describing any major conflicts between the laws, rules, or regulations of this state and federal law, rules, and regulations which have been resolved under this section during the previous calendar year.

SEC. 2. This act is a reenactment of Section 820 of the Streets and Highways Code for the purpose of stating the assent of the State of California to the provisions of the applicable federal statutes, rules and regulations.

CHAPTER 511

An act to amend Section 11580.6 of the Insurance Code, relating to liability insurance.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 11580.6 of the Insurance Code is amended to read:

11580.6. Where a policy of liability insurance covering the ownership, maintenance, or use of a motor vehicle or aircraft contains a provision indicating that coverage is extended to accidents, occurrences, and loss arising in Mexico, the policy shall contain an additional provision, either on the face of the policy or by an endorsement attached thereto stating as follows:

WARNING

Unless you have automobile or aircraft insurance written by a Mexican insurance company, you may spend many hours or days in jail, if you have an accident in Mexico. Insurance coverage should be secured from a company licensed under the laws of Mexico to write such insurance in order to avoid complications and some other penalties possible under the laws of Mexico, including the possible impoundment of your automobile or aircraft.

CHAPTER 512

An act to add Chapter 5 (commencing with Section 445) to Division 2, Title 1, of the Government Code, relating to the Seal of the Assembly of the State of California.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Chapter 5 (commencing with Section 445) is added to Division 2, Title 1, of the Government Code, to read:

CHAPTER 5. SEAL OF THE ASSEMBLY

445. The general design and details of the Seal of the Assembly of the State of California, excluding colors, shall

correspond substantially with the following representation thereof:



446. When the Seal of the Assembly is prepared in color, the following colors shall be used:

The outer circle and the words "California State Assembly" shall be Gold, Cable No. 70157; the second circle shall be White, Cable No. 70001; the third circle shall be Gold, Cable No. 70157; the field of the seal shall be Independence Blue, Cable No. 70076; the poppies, bear, gavel, and column shall be Gold, Cable No. 70157 and Bronze, Cable No. 70159; the palm tree shall be shades of Gold, Cable No. 70157 and Bronze, Cable No. 70159, with fronds of Hunter, Cable No. 70064 and Bottle Green, Cable No. 70066; the mountains and clouds shall be White, Cable No. 70001; the mountains shall have shadows of Amethyst, Cable No. 70134; the grass shall be shades of Primitive Green, Cable No. 70167, Hunter, Cable No. 70064, and Graphite Blue, Cable No 70114; the background for gavel and column shall be Dark Cardinal, Cable No. 70082; the background for the palm tree and mountains shall be Forget-me-not, Cable No. 70012; the scroll shall be White, Cable No 70001 with borders of Gold, Cable No. 70157; the words "Legislatorum est Justas Leges Condere" and the outlines of the shield shall be Gold Cable No. 70157.

All Cable number colors herein specified are those of the Textile Color Card Association of the United States, Inc., New York.

447. The use of the Seal of the Assembly shall be as prescribed by the Rules of the Assembly. Every person who maliciously or for commercial purposes or contrary to the Rules of the Assembly uses or allows to be used any reproduction or facsimile of the Seal of the Assembly in any manner whatsoever is guilty of a misdemeanor.

CHAPTER 513

An act to add Section 71140.4 to the Government Code, relating to municipal court judges.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 71140.4 is added to the Government Code, to read:

71140.4. Notwithstanding any provisions of Section 71140 to the contrary, in judicial districts in the County of Los Angeles in which the population established pursuant to the 1960 federal census exceeds 1,000,000, a person is eligible to be elected or appointed to the office of judge of a municipal court of a judicial district if he is a resident eligible to vote in the county in which the judicial district is situated for a period of at least 54 days prior to the date of his election or appointment.

CHAPTER 514

An act to add Section 21107.6 to the Vehicle Code, relating to private roads.

[Approved by Governor July 9, 1968. Filed with Secretary of State July 9, 1968.]

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

SECTION 1. Section 21107.6 is added to the Vehicle Code, to read:

21107.6. (a) Any city or county may, by ordinance, find and declare that there are privately owned and maintained roads as described in such ordinance within the city or county which are generally held open to the public for purposes of vehicular travel to serve commercial establishments. Upon enactment by a city or county of such an ordinance, the provisions of this code shall apply to any such privately owned and maintained road. No ordinance shall be enacted under this section without a public hearing thereon and 10 days' prior notice

to the owner of the privately owned and maintained road involved.

(b) Notwithstanding the provisions of subdivision (a) no ordinance enacted thereunder shall apply to any road described therein on which the owner has caused to be erected a notice of such size, shape and color as to be readily legible during daylight hours from a distance of 100 feet, to the effect that the road is privately owned and maintained and that it is not subject to public traffic regulations or control.

(c) The department shall not be required to provide patrol or enforce any provisions of this code on any privately owned and maintained road subjected to the provisions of this code under this section, except those provisions applicable to private property other than by action under this section.

CHAPTER 515

An act to amend Section 69585 of the Government Code, relating to judges.

[Approved by Governor July 10, 1968. Filed with Secretary of State July 10, 1968.]

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

SECTION 1. Section 69585 of the Government Code is amended to read:

69585. In the County of Kern there shall be six judges of the superior court.

CHAPTER 516

An act to amend Section 69580 of the Government Code, relating to superior court judges.

[Approved by Governor July 10, 1968. Filed with Secretary of State July 10, 1968.]

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

SECTION 1. Section 69580 of the Government Code is amended to read:

69580. In the County of Alameda there shall be 22 judges of the superior court.

CHAPTER 517

An act to add Section 4136 to the Penal Code, relating to persons in custody.

[Approved by Governor July 10, 1968 Filed with Secretary of State July 10, 1968]

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

SECTION 1. Section 4136 is added to the Penal Code, to read:

4136. Sections 4011, 4011.5, and 4011.6 are applicable to county industrial farms, county industrial road camps, and joint county road camps established pursuant to this chapter.

SEC. 2. Section 4136 is added to the Penal Code, to read:

4136. Sections 4011, 4011.5, 4011.6 and 4011.7 are applicable to county industrial farms, county industrial road camps, and joint county road camps established pursuant to this chapter.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 702 is enacted by the Legislature at the 1968 Regular Session, and as so enacted, adds a Section 4011.7 to the Penal Code, and in such case shall become operative at the same time as Assembly Bill No. 702, at which time Section 4136 of the Penal Code as added by Section 1 of this act is repealed.

CHAPTER 518

An act to add Section 21200.5 to the Financial Code, relating to compensation received by pawnbrokers.

[Approved by Governor July 11, 1968 Filed with Secretary of State July 11, 1968]

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

SECTION 1. Section 21200.5 is added to the Financial Code, to read:

21200.5. A pawnbroker may charge as prescribed in the following schedule:

Schedule of Charges

(a) A charge not exceeding one dollar ($1) may be made on any loan for not more than 30 days which does not exceed fourteen dollars and ninety-nine cents ($14.99).

(b) A charge not exceeding three dollars ($3) may be made on any loan for not more than 90 days of fifteen dollars ($15) or more, but not exceeding twenty-four dollars and ninety-nine cents ($24.99).

(c) A charge not exceeding five dollars ($5) may be made on any loan for not more than 90 days of twenty-five dollars ($25) or more, but not exceeding forty-nine dollars and ninety-nine cents ($49.99).

(d) A charge not exceeding seven dollars and fifty cents ($7.50) may be made on any loan for not more than 90 days on any loan of fifty dollars ($50) or more, but not exceeding seventy-four dollars and ninety-nine cents ($74.99).

(e) A charge not exceeding ten dollars ($10) may be made on any loan for not more than 90 days of seventy-five dollars ($75) or more, but not exceeding one hundred forty-nine dollars and ninety-nine cents ($149.99).

(f) The charge for any extension or renewal of a loan covered by this section shall be computed in accordance with the provisions of Section 21200 of this code.

The schedule of charges prescribed by this section shall be posted in a place clearly visible to the general public.

CHAPTER 519

An act to repeal Section 5070.1 of the Business and Professions Code, relating to public accountants.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 5070.1 of the Business and Professions Code is repealed.

CHAPTER 520

An act to amend Section 11535 of the Business and Professions Code, relating to land development.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 11535 of the Business and Professions Code is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five or more parcels; provided, that this chapter shall not apply to the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial

building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases.

(b) Subdivision does not include any parcel or parcels of land which is divided into four or less parcels.

(c) Subdivision does not include the division of any real property improved or unimproved or a portion thereof shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, if any of the following conditions prevail:

(1) The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the governing body.

(2) Any parcel or parcels divided into lots or parcels, each of a gross area of 20 acres or more, and each of which has an approved access to a maintained public street or highway.

(3) Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial development, and which has the approval of the governing body as to street alignments and widths.

(4) Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more or each of which is a quarter-quarter section or larger.

(d) In any case provided in subdivisions (c)(1), (c)(2), and (c)(3), and in the case of subdivision (b) when requested by local ordinance, a tentative map shall be submitted to the governing body or advisory agency (in the same manner as provided in this chapter for subdivisions) for approval as to area and lot design and as to all requirements of this section. Within one year after approval of the tentative map, a parcel map showing each new parcel or parcels may be filed with the recorder of the county concerned. This map shall be filed prior to sale, lease, or financing of such parcels. Conveyances may be made of parcels shown on such map by number or other such designation. Upon application an extension of the approval of the tentative map, not to exceed one year, may be granted by the governing body or advisory agency.

The governing body may require dedications or an offer of dedication by separate instrument for street opening or widening or easements. If dedications or offers of dedications are required, such dedications shall be completed prior to filing of the parcel map. An offer of dedication shall be in such terms as to be binding on the owner, his heirs, assigns or successors in interest, and shall continue until the governing body accepts or rejects such offer.

In the case of subdivisions (b) and (c)(3), and when local ordinance provides, the governing body may require the improvement of public or private streets, highways, ways, or easements as may be necessary for local traffic, drainage and sanitary needs.

(e) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(f) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

SEC. 2. Section 11535 of the Business and Professions Code is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five or more parcels; provided, that this chapter shall not apply to the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases.

(b) Subdivision does not include any parcel or parcels of land which is divided into four or less parcels.

(c) Subdivision does not include the division of any real property improved or unimproved or a portion thereof shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, if any of the following conditions prevail:

(1) The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the governing body.

(2) Any parcel or parcels divided into lots or parcels, each of a gross area of 20 acres or more, and each of which has an approved access to a maintained public street or highway.

(3) Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.

(4) Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more or each of which is a quarter-quarter section or larger.

(d) In any case provided in subdivisions (c)(1), (c)(2), and (c)(3), and in the case of subdivision (b) when requested by local ordinance, a tentative map shall be submitted to the governing body or advisory agency (in the same manner as provided in this chapter for subdivisions) for approval as to area and lot design and as to all requirements of this section. Within one year after approval of the tentative map, a parcel map showing each new parcel or parcels may be filed with the recorder of the county concerned. This map shall be filed prior to sale, lease, or financing of such parcels. Conveyances may be made of parcels shown on such map by number or other

such designation. Upon application an extension of the approval of the tentative map, not to exceed one year, may be granted by the governing body or advisory agency.

The governing body may require dedications or an offer of dedication by separate instrument for street opening or widening or easements. If dedications or offers of dedications are required, such dedications shall be completed prior to filing of the parcel map. An offer of dedication shall be in such terms as to be binding on the owner, his heirs, assigns or successors in interest, and shall continue until the governing body accepts or rejects such offer.

In the case of subdivision (c)(3), and in the case of subdivision (b) when local ordinance provides, the governing body may require the improvement of public or private streets, highways, ways, or easements as may be necessary for local traffic, drainage and sanitary needs.

(e) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(f) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

SEC. 3. Section 11535 of the Business and Professions Code is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five or more parcels; provided, that this chapter shall not apply to the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases.

(b) Subdivision does not include any parcel or parcels of land which is divided into four or less parcels. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.

(c) Subdivision does not include the division of any real property improved or unimproved or a portion thereof shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, if any of the following conditions prevail:

(1) The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the governing body.

(2) Any parcel or parcels divided into lots or parcels, each of a gross area of 20 acres or more, and each of which has an approved access to a maintained public street or highway.

(3) Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial development, and which has the approval of the governing body as to street alignments and widths

(4) Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more or each of which is a quarter-quarter section or larger.

(d) In any case provided in subdivisions (c)(1), (c)(2), and (c)(3), and in the case of subdivision (b) when requested by local ordinance, a tentative map shall be submitted to the governing body or advisory agency (in the same manner as provided in this chapter for subdivisions) for approval as to area and lot design and as to all requirements of this section. Within one year after approval of the tentative map, a parcel map showing each new parcel or parcels may be filed with the recorder of the county concerned. This map shall be filed prior to sale, lease, or financing of such parcels. Conveyances may be made of parcels shown on such map by number or other such designation. Upon application an extension of the approval of the tentative map, not to exceed one year, may be granted by the governing body or advisory agency.

The governing body may require dedications or an offer of dedication by separate instrument for street opening or widening or easements If dedications or offers of dedications are required, such dedications shall be completed prior to filing of the parcel map. An offer of dedication shall be in such terms as to be binding on the owner, his heirs, assigns or successors in interest, and shall continue until the governing body accepts or rejects such offer.

In the case of subdivisions (b) and (c)(3), and when local ordinance provides, the governing body may require the improvement of public or private streets, highways, ways, or easements as may be necessary for local traffic, drainage and sanitary needs.

(e) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(f) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

SEC. 4. Section 11535 of the Business and Professions Code is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five or more parcels; provided, that this chapter shall not apply to the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial

building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases.

(b) Subdivision does not include any parcel or parcels of land which is divided into four or less parcels. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.

(c) Subdivision does not include the division of any real property improved or unimproved or a portion thereof shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, if any of the following conditions prevail:

(1) The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the governing body.

(2) Any parcel or parcels divided into lots or parcels, each of a gross area of 20 acres or more, and each of which has an approved access to a maintained public street or highway.

(3) Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.

(4) Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more or each of which is a quarter-quarter section or larger.

(d) In any case provided in subdivisions (c)(1), (c)(2), and (c)(3), and in the case of subdivision (b) when requested by local ordinance, a tentative map shall be submitted to the governing body or advisory agency (in the same manner as provided in this chapter for subdivisions) for approval as to area and lot design and as to all requirements of this section. Within one year after approval of the tentative map, a parcel map showing each new parcel or parcels may be filed with the recorder of the county concerned. This map shall be filed prior to sale, lease, or financing of such parcels. Conveyances may be made of parcels shown on such map by number or other such designation. Upon application an extension of the approval of the tentative map, not to exceed one year, may be granted by the governing body or advisory agency.

The governing body may require dedications or an offer of dedication by separate instrument for street opening or widening or easements. If dedications or offers of dedications are required, such dedications shall be completed prior to filing of the parcel map. An offer of dedication shall be in such terms as to be binding on the owner, his heirs, assigns or successors in interest, and shall continue until the governing body accepts or rejects such offer.

In the case of subdivision (c)(3), and in the case of subdivision (b) when local ordinance provides, the governing

body may require the improvement of public or private streets, highways, ways, or easements as may be necessary for local traffic, drainage and sanitary needs.

(e) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(f) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

SEC. 5. Section 2 of this act shall become operative only if Senate Bill No. 435 is enacted by the Legislature at its 1968 Regular Session and, as enacted, amends Section 11535 of the Business and Professions Code, and if Assembly Bill No. 780 is not enacted at such session or, if enacted, does not amend Section 11535, and in such case at the same time as the amendments to Section 11535, as contained in Senate Bill No. 435, become operative, in which event Sections 1, 3, 4, 6, and 7 of this act shall not be operative.

SEC. 6. Section 3 of this act shall become operative only if Assembly Bill No. 780 is enacted by the Legislature at its 1968 Regular Session and, as enacted, amends Section 11535 of the Business and Professions Code, and if Senate Bill No. 435 is not enacted at such session or, if enacted, does not amend Section 11535, and in such case at the same time as the amendments to Section 11535, as contained in Assembly Bill No. 780, become operative, in which event Sections 1, 2, 4, 5, and 7 of this act shall not be operative.

SEC. 7. Section 4 of this act shall become operative only if both Senate Bill No. 435 and Assembly Bill No. 780 are enacted by the Legislature at the 1968 Regular Session and if each such bill, as enacted, amends Section 11535 of the Business and Professions Code, and in such case at the same time as the amendments to Section 11535, as contained in Senate Bill No. 435 and Assembly Bill No. 780, become operative, in which event Sections 1, 2, 3, 5, and 6 of this act shall not be operative.

CHAPTER 521

An act to amend Section 21200 of the Financial Code, relating to compensation received by pawnbrokers.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 21200 of the Financial Code is amended to read:

21200. Except as provided in Section 21200.5, no pawnbroker shall charge or receive compensation at a rate exceeding the sum of the following:

(a) Two and one-half percent (2½%) per month on that portion of the unpaid principal balance of any loan up to, including, but not in excess of two hundred dollars ($200)

(b) Two percent (2%) per month on that portion of the unpaid principal balance of the loan in excess of two hundred dollars ($200) up to, including, but not exceeding five hundred dollars ($500)

(c) One and one-half percent (1½%) per month on that part of the unpaid principal balance in excess of five hundred dollars ($500) up to and including, but not in excess of, seven hundred dollars ($700).

(d) One percent (1%) per month on any remainder of such unpaid principal balance in excess of seven hundred dollars ($700).

(e) A charge may be made not exceeding one dollar ($1) a month on any loan of ten dollars ($10) or more when the monthly charge permitted by this section would otherwise be less than such minimum charge.

CHAPTER 522

An act to amend Sections 2 and 17 of the Orange County Flood Control Act (Chapter 723 of the Statutes of 1927), relating to the Orange County Flood Control District.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 2 of the Orange County Flood Control Act (Chapter 723 of the Statutes of 1927) is amended to read:

Sec. 2. The objects and purposes of this act are to provide for the control of the flood and storm waters of said district, and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining and causing to percolate into the soil within said district, or without such district, such waters, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters, the harbors, waterways, public highways and property in said district.

Said Orange County Flood Control District is hereby declared to be a body corporate and politic and as such shall have power:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To take by grant, purchase, gift, devise or lease, and to hold, use, enjoy, and to sell, lease, exchange, or dispose of real or personal property of every kind, within or without the district, necessary to the full exercise of its powers.

5. To acquire or contract to acquire lands, rights of way, easements, privileges and property of every kind, and to construct, maintain and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements acquired by it as herein authorized.

6. To have and exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any district or other public corporation or agency or otherwise, and may condemn any existing works or improvements in said district now used to control flood or storm waters, or to conserve such flood or storm waters, or to protect any property in said district from damage from such flood or storm waters.

7. To incur indebtedness, and to issue bonds in the manner herein provided.

8. To cause taxes to be levied and collected for the purpose of paying any obligation of the district in the manner hereinafter provided.

9. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof, by this act.

10. To grant or otherwise convey to counties, cities and counties, cities or towns, easements for street and highway purposes, over, along, upon, in, through, across or under any real property owned by said Orange County Flood Control District.

11. To remove, carry away and dispose of any rubbish, trash, debris or other inconvenient matter that may be dislodged, transported, conveyed or carried by means of, through, in, or along the works and structures operated or maintained hereunder and deposited upon the property of said district or elsewhere.

12. To lease, sell or dispose of any property (or any interest therein) whenever in the judgment of said board of supervisors said property, or any interest therein or part thereof, is no longer required for the purposes of said district, or may be leased, or included in community leases embracing adjoining lands, for any purpose (including leases for mining or extracting oil, gas, hydrocarbon substances or other minerals) without interfering with the use of the same for the purposes of said district, and whenever it appears that wells drilled upon private lands are draining or may drain oil, gas or other hydrocarbon substances from lands owned by the district and

operations for the production of oil, gas or other hydrocarbons on such land owned by the district might interfere with the use of such land for the purposes of said district, to enter into agreements with the owners or operators of such wells for the payment of compensation to the district for such drainage in lieu of drilling offset wells upon such land owned by the district, and to pay any compensation received therefor into the general fund of said district and use the same for the purposes of this act; provided, however, that nothing herein shall authorize the board of supervisors, or other governing body of the district, or any officer thereof, to sell, lease or otherwise dispose of any water, water right, reservoir space or storage capacity, or any interest or space therein, except as hereinafter provided by Section 17 of this act; provided, however, that the district may grant to the United States of America, or any agency thereof authorized to accept and pay for such land, such parcels of land as lie within any channel, dam, or reservoir site, improved or constructed, in whole or in part, with federal funds, upon the payment to the district of the actual cost thereof as determined by the board of supervisors of the district. The district, by and through its board of supervisors, is hereby authorized to warrant and guarantee the title of all lands so transferred to the United States under the provisions of this section.

13. To monitor, test, or inspect drainage, flood, storm, or other waters within the district for the purpose of recording, determining, and reporting the quality of such waters to appropriate regional water quality control boards.

SEC. 3. Section 17 of the Orange County Flood Control Act (Chapter 723 of the Statutes of 1927) is amended to read:

Sec. 17. Said board of supervisors of said district shall have full power and authority to cooperate with and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments, or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of said district, or to monitor, test, or inspect such waters for the purpose of determining the quality thereof, or for the protection of property, or any of the harbors, channels, waterways, roads or highways in said district, or for the purpose of conserving said waters for beneficial use and to adopt a definite plan or system of work for such purpose, and when so adopted no substantial change affecting their interest shall thereafter be made in the same without the express consent of the officer, board, commission, department or agency of the state or federal government, or public or private corporation, in conjunction with which the same was originally adopted.

CHAPTER 523

An act to amend Section 1526 of, and to add Section 1502.5 to, the Code of Civil Procedure, relating to disposition of unclaimed property.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 1502.5 is added to the Code of Civil Procedure, to read:

1502.5. (a) This chapter does not apply to any property held by any interstate railroad company whose rates are regulated by the Public Utilities Commission of this state and by a regulatory agency of the United States.

SEC. 2. Section 1526 of the Code of Civil Procedure is amended to read:

1526. This chapter shall not apply to any property that has been presumed abandoned or escheated under the laws of another state prior to the effective date of this chapter; nor shall this chapter apply to any property in the official custody of a municipal utility district; nor to a local agency if such property may be transferred to the General Fund under the provisions of Sections 50050 to 50053, inclusive, of the Government Code; nor to any property held by any interstate railroad company whose rates are regulated by the Public Utilities Commission of this state and by a regulatory agency of the United States.

SEC. 3. Section 1 of this act shall become operative only if Senate Bill No. 63 of the 1968 Regular Session is enacted and in such case, at the same time as Senate Bill No. 63 becomes operative, at which time Section 1526 of the Code of Civil Procedure, as amended by Section 2 of this act, is repealed.

CHAPTER 524

An act to amend Section 13710 of the Education Code, relating to the budget of a personnel commission.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 13710 of the Education Code is amended to read:

13710 The commission shall prepare an annual budget for its own office which, upon the approval of the county superintendent of schools, shall be included by the governing board in the regular budget of the school district.

The budget shall be prepared for a public hearing by the commission during the month of May of each year. The commission shall forward a copy of its proposed budget to the governing board indicating the time, date and place for the public hearing of the budget and shall invite board and district administration representatives to attend and present their views. The commission shall fully consider the views of the governing board prior to adoption of its proposed budget. The commission shall then forward its proposed budget to the county superintendent of schools for action.

The county superintendent of schools may reject, but may not amend, the proposed budget. In the absence of agreement between the personnel commission and the county superintendent the budget of the preceding year shall determine the amount of the new budget, and the items of expenditure shall be determined by the commission.

CHAPTER 525

An act to amend Section 1091 of the Government Code and to add Section 30584.1 to the Water Code, relating to conflict of interest of public officers and employees.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 1091 of the Government Code is amended to read:

1091. (a) An officer shall not be deemed to be interested in a contract entered into by a body or board of which he is a member within the meaning of this article if he has only a remote interest in the contract and if the fact of such interest is disclosed to the body or board of which he is a member and noted in its official records, and thereafter the body or board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

(b) As used in this article "remote interest" means:

(1) That of a nonsalaried officer of a nonprofit corporation;

(2) That of an employee or agent of the contracting party, if such contracting party has 10 or more other employees and if the officer was an employee or agent of said contracting party for at least three years prior to his initially accepting his office.

For the purposes of this subsection, time of employment with the contracting party by the officer shall be counted in computing the three-year period specified in this subsection even though such contracting party has been converted from

one form of business organization to a different form of business organization within three years of the initial taking of office by such officer. Time of employment in such case shall be counted only if, after the transfer or change in organization, the real or ultimate ownership of the contracting party is the same or substantially similar to that which existed before such transfer or change in organization. For the purposes of this subsection, stockholders, bondholders, partners, or other persons holding an interest in the contracting party are regarded as having the "real or ultimate ownership" of such contracting party.

(3) That of a parent in the earnings of his minor child for personal services;

(4) That of a landlord or tenant of the contracting party;

(5) That of an attorney of the contracting party; or

(6) That of a member of a nonprofit corporation formed under the Agricultural Code or a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products or the supplying of water.

(7) That of a supplier of goods or services when such goods or services had been supplied to the contracting party by the officer for at least five years prior to his election or appointment to office.

(c) The provisions of this section shall not be applicable to any officer interested in a contract who influences or attempts to influence another member of the body or board of which he is a member to enter into the contract.

(d) The willful failure of an officer to disclose the fact of his interest in a contract pursuant to this section shall be punishable as provided in Section 1097. Such violation shall not void the contract however, unless the contracting party had knowledge of the fact of the remote interest of the officer at the time the contract was executed.

SEC. 1.5. Section 1091 of the Government Code is amended to read:

1091. (a) An officer shall not be deemed to be interested in a contract entered into by a body or board of which he is a member within the meaning of this article if he has only a remote interest in the contract and if the fact of such interest is disclosed to the body or board of which he is a member and noted in its official records, and thereafter the body or board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

(b) As used in this article "remote interest" means:

(1) That of a nonsalaried officer of a nonprofit corporation;

(2) That of an employee or agent of the contracting party, if such contracting party has 10 or more other employees and if the officer was an employee or agent of said contracting party for at least three years prior to his initially accepting his office.

For the purposes of this subsection, time of employment with the contracting party by the officer shall be counted in computing the three-year period specified in this subsection even though such contracting party has been converted from one form of business organization to a different form of business organization within three years of the initial taking of office by such officer. Time of employment in such case shall be counted only if, after the transfer or change in organization, the real or ultimate ownership of the contracting party is the same or substantially similar to that which existed before such transfer or change in organization. For the purposes of this subsection, stockholders, bondholders, partners, or other persons holding an interest in the contracting party are regarded as having the "real or ultimate ownership" of such contracting party.

(3) That of a parent in the earnings of his minor child for personal services;

(4) That of a landlord or tenant of the contracting party;

(5) That of an attorney of the contracting party; or

(6) That of a member of a nonprofit corporation formed under the Agricultural Code or a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products or the supplying of water.

(7) That of a supplier of goods or services when such goods or services had been supplied to the contracting party by the officer for at least five years prior to his election or appointment to office.

(8) That of a person subject to the provisions of Section 1090 in any contract or agreement entered into pursuant to the provisions of the California Land Conservation Act of 1965.

(c) The provisions of this section shall not be applicable to any officer interested in a contract who influences or attempts to influence another member of the body or board of which he is a member to enter into the contract.

(d) The willful failure of an officer to disclose the fact of his interest in a contract pursuant to this section shall be punishable as provided in Section 1097. Such violation shall not void the contract however, unless the contracting party had knowledge of the fact of the remote interest of the officer at the time the contract was executed.

SEC. 2. Section 30584.1 is added to the Water Code, to read:

30584.1. Notwithstanding the provisions of Section 30584, a district may enter into contracts with nonprofit water suppliers which are located either wholly or partially within the boundaries of a district even though directors or officers of the district are also members or officers of the nonprofit water supplier.

SEC. 3 Section 1.5 of this act shall become operative only if the Assembly Bill 1717 is enacted by the Legislature at its

1968 Regular Session, and in such case at the same time as Assembly Bill No. 1717 takes effect; at which time Section 1 of this act is repealed

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CHAPTER 526

An act to amend Sections 73562, 73563, 73563.1, 74222, 74223, and 74223.1 of, and to add Sections 73563.2 and 74223.2 to, the Government Code, relating to clerks in the Monterey-Carmel and Salinas Municipal Courts.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 73562 of the Government Code is amended to read:

73562. There shall be one clerk who shall receive a monthly salary at the rate specified in range 37 of the salary schedule provided in Section 73563.1.

SEC. 2. Section 73563 of the Government Code is amended to read:

73563. The clerk may appoint:

One deputy clerk grade III who shall receive a monthly salary at the rate specified in range 30 of the salary schedule provided in Section 73563.1.

Five deputy clerks grade II who shall receive a monthly salary at the rate specified in range 28 of the salary schedule provided in Section 73563.1.

Ten deputy clerks grade I who shall receive a monthly salary at the rate specified in range 24 of the salary schedule provided in Section 73563.1.

SEC. 3. Section 73563.1 of the Government Code is amended to read:

73563.1. Whenever reference to a numbered salary range is made in any section of this article, the following schedule of monthly salaries shall apply:

Range number	Step 1	Step 2	Step 3	Step 4	Step 5
21	$325	$342	$361	$380	$401
22	342	361	380	401	423
23	361	380	401	423	446
24	380	401	423	446	470
25	401	423	446	470	496
26	423	446	470	496	523
27	446	470	496	523	552
28	470	496	523	552	583
29	496	523	552	583	615
30	523	552	583	615	649
31	552	583	615	649	685
32	583	615	649	685	723

Range number	Step 1	Step 2	Step 3	Step 4	Step 5
33	615	649	685	723	763
34	649	685	723	763	806
35	685	723	763	806	851
36	723	763	806	851	899
37	763	806	851	899	949
38	806	851	899	949	1,002
39	851	899	949	1,002	1,058

Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first 12 months of service, receive the rate of monthly compensation specified in the first step of the salary range for the position to which he is appointed. On and after the first day of the pay period following each ensuing 12 months of such service such compensation shall be increased upon approval of the appointing authority to the rate specified in the next higher step of the salary range for the position occupied until such compensation equals the sum specified in step 5 of such range.

SEC. 4. Section 73563.2 is added to the Government Code, to read:

73563.2. Certain classes of positions prescribed in Article 7 (commencing with Section 73560) of Chapter 10, Title 8 of the Government Code are deemed to be equivalent in job and salary level to position classifications included in the Salary Ordinance of Monterey County. In order to maintain parity of compensation and employee benefits between attachés of the Monterey-Carmel Municipal Court District and county employees having commensurate duties and responsibilities and to provide appropriate salary adjustments and employee benefits for related classes of court positions the provisions of this section shall govern salary adjustments and employee benefits for attachés of the Monterey-Carmel Municipal Court District in Monterey County.

On the effective date of any amendment to said ordinance adjusting the salary of a county employee classification listed in the table of positions set forth in this section, the salary of the equivalent court position listed opposite thereto shall be adjusted an equivalent number of ranges in the salary schedule to which such position is attached. In no event shall such salary adjustments exceed four range numbers of the salary range number that is provided for such position on the effective date of this section If the level of compensation established by any such salary adjustment is not reflected in the salary range number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary range number.

Table of Positions

Court classification	County classification
Clerk	Assistant county clerk
Deputy clerk III	Principal administrative clerk
Deputy clerk II	Principal clerk
Deputy clerk I	Intermediate typist-clerk

Salary adjustments made pursuant to this section shall be effective only until the 61st day after the adjournment of the next succeeding regular session of the Legislature.

Attachés of the Monterey-Carmel Municipal Court District shall be entitled to all employee benefits that are provided for or made applicable to the equivalent Monterey County employee classification.

SEC. 5. Section 74222 of the Government Code is amended to read:

74222. There shall be one clerk who shall receive a monthly salary at the rate specified in range 37 of the salary schedule provided in Section 74223.1.

SEC. 6. Section 74223 of the Government Code is amended to read:

74223. The clerk may appoint:

One deputy clerk grade III who shall receive a monthly salary at the rate specified in range 30 of the salary schedule provided in Section 74223.1.

Five deputy clerks grade II who shall receive a monthly salary at the rate specified in range 28 of the salary schedule provided in Section 74223.1.

Eight deputy clerks grade I who shall receive a monthly salary at the rate specified in range 24 of the salary schedule provided in Section 74223.1.

SEC. 7. Section 74223.1 of the Government Code is amended to read:

74223.1. Whenever reference to numbered salary range is made in any section of this article, the following schedule of monthly salaries shall apply:

Range number	Step 1	Step 2	Step 3	Step 4	Step 5
21	$325	$342	$361	$380	$401
22	342	361	380	401	423
23	361	380	401	423	446
24	380	401	423	446	470
25	401	423	446	470	496
26	423	446	470	496	523
27	446	470	496	523	552
28	470	496	523	552	583
29	496	523	552	583	615
30	523	552	583	615	649
31	552	583	615	649	685
32	583	615	649	685	723

Range number	Step 1	Step 2	Step 3	Step 4	Step 5
33	615	649	685	723	763
34	649	685	723	763	806
35	685	723	763	806	851
36	723	763	806	851	899
37	763	806	851	899	949
38	806	851	899	949	1,002
39	851	899	949	1,002	1,058

Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall for the first 12 months of service, receive the rate of monthly compensation specified in the first step of the salary range for the position to which he is appointed. On and after the first day of the pay period following each ensuing 12 months of such service such compensation shall be increased upon approval of the appointing authority to the rate specified in the next higher step of the salary range for the position occupied until such compensation equals the sum specified in step 5 of such range.

SEC. 8. Section 74223.2 is added to the Government Code, to read:

74223.2. Certain classes of positions prescribed in Article 22 (commencing with Section 74220) of Chapter 10, Title 8 of the Government Code are deemed to be equivalent in job and salary level to position classifications included in the Salary Ordinance of Monterey County. In order to maintain parity of compensation and employee benefits between attachés of the Salinas Municipal Court District and county employees having commensurate duties and responsibilities and to provide appropriate salary adjustments and employee benefits for related classes of court positions the provisions of this section shall govern salary adjustments and employee benefits for attachés of the Salinas Municipal Court District in Monterey County.

On the effective date of any amendment to said ordinance adjusting the salary of a county employee classification listed in the table of positions set forth in this section, the salary of the equivalent court position listed opposite thereto shall be adjusted an equivalent number of ranges in the salary schedule to which such position is attached. In no event shall such salary adjustments exceed four range numbers of the salary range number that is provided for such position on the effective date of this section. If the level of compensation established by any such salary adjustment is not reflected in the salary range number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary range number.

Table of Positions

Court classification	County classification
Clerk	Assistant county clerk
Deputy clerk III	Principal administrative clerk
Deputy clerk II	Principal clerk
Deputy clerk I	Intermediate typist-clerk

Salary adjustments made pursuant to this section shall be effective only until the 61st day after the adjournment of the next succeeding regular session of the Legislature.

Attachés of the Salinas Municipal Court District shall be entitled to all employee benefits that are provided for or made applicable to the equivalent Monterey County employee classification.

CHAPTER 527

An act to add Article 5 (commencing with Section 17570) to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, relating to vending machines.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Article 5 (commencing with Section 17570) is added to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, to read:

Article 5. Vending Machines

17570. On and after July 1, 1969, every person who owns a vending machine shall have his name and address affixed thereto in a place where it may be seen by anyone using the machine.

17571. "Vending machine" means any mechanical device the operation of which depends upon the insertion of a coin or other thing representative of value in the denomination of five cents ($0.05) or more and which dispenses or vends an article of value.

17572. Any person who violates this article is guilty of a misdemeanor.

CHAPTER 528

An act to add Section 1324.1 to the Penal Code, relating to immunity from prosecution.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 1324.1 is added to the Penal Code, to read:

1324.1. In any misdemeanor proceeding in any court, if a person refuses to answer a question or produce evidence of any other kind on the ground that he may be incriminated thereby, the person may agree in writing with the district attorney of the county, or the prosecuting attorney of a city, as the case may be, to testify voluntarily pursuant to this section. Upon written request of such district attorney, or prosecuting attorney, the court having jurisdiction of the proceeding shall approve such written agreement, unless the court finds that to do so would be clearly contrary to the public interest. If, after court approval of such agreement, and if, but for this section, the person would have been privileged to withhold the answer given or the evidence produced by him, that person shall not be prosecuted or subjected to penalty or forfeiture for or on account of any fact or act concerning which, in accordance with such agreement, he answered or produced evidence, but he may, nevertheless, be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt committed in answering or in producing evidence in accordance with such agreement. If such person fails to give any answer or to produce any evidence in accordance with such agreement, that person shall be prosecuted or subjected to penalty or forfeiture in the same manner and to the same extent as he would be prosecuted or subjected to penalty or forfeiture but for this section.

CHAPTER 529

An act to amend Sections 7450, 7451, 7451.1, 7451.5, 7453, 7454, 7455, 7456, 11061, and 11411 of, and to add Sections 7451.3 and 11411.1 to, the Education Code, relating to regional occupational programs.

[Approved by Governor July 11, 1968 Filed with Secretary of State July 11, 1968]

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 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 adjustments and meeting changing training needs as they arise.

It is recognized by the Legislature that vocational programs may achieve great flexibility of planning, scope and operation by the conduct of such programs in a variety of physical facilities at various training locations.

SEC. 1.5. Section 7451 of the Education Code is amended. to read:

7451. The county superintendent of schools of each county may establish and maintain, or with one or more counties may establish and maintain, at least one regional occupational center, or regional occupational program, in the county to provide education and training in vocational courses. The governing boards of any school districts maintaining high schools in the county may, with the consent of the county superintendent of schools, cooperate in the establishment and maintenance of a regional occupational center, or regional occupational program, except that if such a school district also maintains five hundred (500) or more schools its governing board may establish and maintain one or more regional occupational centers, or regional occupational programs, without such restrictions. The establishment and maintenance of a regional occupational center, or regional occupational program, by two or more school districts may be undertaken pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code. If a school district or school districts establish and maintain such a regional occupational center, or regional occupational program, pursuant to this chapter, the county superintendent of schools may, but is not required to, establish and maintain a separate regional occupational center or centers, or regional occupational program or programs.

SEC. 2. Section 7451.1 of the Education Code is amended to read:

7451.1. A regional occupational center or regional occupational program 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. 2.5. Section 7451.3 is added to the Education Code, to read:

7451.3. "Regional occupational program," as used in this chapter, means a vocational or technical training program which meets the criteria and standards of instructional programs in regional occupational centers and which is conducted in a variety of physical facilities which are not necessarily situated in one single plant or site.

SEC. 3. Section 7451.5 of the Education Code is amended to read:

7451.5. A regional occupational center or regional occupational program may:

(a) Be established pursuant to Section 7451 to provide day, including Saturday, and 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. 4. Section 7453 of the Education Code is amended to read:

7453. For the purposes of this chapter the county superintendent of schools, the governing board of the school district, or the governing boards of school districts establishing a regional occupational center, or regional occupational program, may acquire a site for each regional occupational center or regional occupational program maintained by him or the district, or districts, as the case may be, and may plan, construct, purchase, or lease buildings therefor, and may purchase or lease furniture, equipment, fixtures, and other personal property therefor.

SEC. 5. Section 7454 of the Education Code is amended to read:

7454. The county superintendent of schools or governing board of a school district or districts, as the case may be, maintaining a regional occupational center, or regional occupational program, may accept and expend grants from the federal government or from other public or private sources for the purposes of this chapter.

SEC. 6. 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, or regional occupational program, is eligible to attend a regional occupational center or regional occupational program maintained by the county superintendent of schools. Any school

district which in cooperation with other school districts maintains a regional occupational center, or regional occupational program, or any such cooperating school districts may admit to such center, or program, 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, or regional occupational program, may admit to such center, or program, 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, or regional occupational program, unless the county superintendent of schools or governing board of the district or districts maintaining the center, or program, as the case may be, determines that the pupil will benefit therefrom and approves of his admission to the regional occupational center or regional occupational program.

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, or program, as the case may be. A school district which by itself or in cooperation with other school districts maintains a regional occupational center, or regional occupational program, may admit pupils residing in other school districts under interdistrict attendance agreements made pursuant to Sections 10801 and 10805.

SEC. 7. 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 or regional occupational program 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, or regional occupational program, 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, or regional occupational program, 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, or regional occupational program, 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, or regional occupational program, 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 or regional occupational program 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 or regional occupational program 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, or regional occupational program, 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 countywide or district tax levied for the purposes of this section, except 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, or regional occupational program, with the approval of the county superintendent of schools pursuant to Section 7451.

SEC. 8. Section 11061 of the Education Code is amended to read:

11061. The minimum day in a regional occupational center is 180 minutes and the minimum day in a regional occupational program is 60 minutes.

SEC. 9. Section 11411 of the Education Code is amended to read:

11411. Units of average daily attendance in the regional occupational centers or regional occupational programs of a county for a fiscal year are the quotient arising from dividing the total number of days of pupil's attendance in such centers, or programs, during the fiscal year by 175 and the average daily attendance so computed shall be credited to the county school service fund if the center, or program, is main-

tained by a county superintendent of schools or if the center, or program, is maintained by a school district, to the district maintaining the center or program.

Attendance in regional occupational centers, or regional occupational programs, operated under subdivision (a) of Section 7451.5 shall be considered pupil's attendance under this section, but attendance in regional occupational centers, or regional occupational programs, under subdivision (b) of Section 7451.5 shall not be so considered.

As used in this section, "school district" includes each of those districts which are cooperating in the maintenance of the center or program, with the approval of the county superintendent of schools, pursuant to Section 7451; and units of average daily attendance of pupils residing in such school district shall be credited to the school district or county office of education as may be appropriate.

SEC. 10. Section 11411.1 is added to the Education Code, to read:

11411.1. Any district or county superintendent who operates a 60-minute regional occupational program shall be credited with one-third of a unit of average daily attendance for each student in a 60-minute regional occupational program and two-thirds of a unit of average daily attendance in a 120-minute program.

CHAPTER 530

An act to amend Section 2690 of the Penal Code, relating to removal of inmates from prison.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 2690 of the Penal Code is amended to read:

2690. The Director of Corrections may authorize the temporary removal under custody from prison or any other institution for the detention of adults under the jurisdiction of the Department of Corrections of any inmate, for the purpose of employing said person in any work directly connected with the administration, management, or maintenance of the prison or institution in which he is confined, or for purposes of cooperating voluntarily in medical research which cannot be performed at the prison or institution, or for participating in community action activities directed toward delinquency prevention and community betterment programs. Such removal shall not be for a period longer than one day.

Under specific regulations established by the director for the selection of inmates, the director may also authorize temporary removal or temporary release of any inmate for the

purpose of furnishing to the inmate medical treatment not available at the prison or institution for purposes preparatory to a return to the community within 90 days of his release date and for disaster aid, including local mutual aid and state emergencies. When an inmate is temporarily removed or temporarily released for a purpose preparatory to return to the community, the director may require the inmate to reimburse the state, in whole or part, for expenses incurred by the state in connection therewith.

CHAPTER 531

An act to add Section 7500 to the Education Code, relating to study in schools.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 7500 is added to the Education Code, immediately preceding Section 7501, to read:

7500. This division may be known as the George Miller, Jr., Education Act of 1968.

SEC. 2. This act shall become operative only if Senate Bill No. 1 is enacted by the Legislature at its 1968 Regular Session, and in such case at the same time as Senate Bill No. 1 takes effect.

CHAPTER 532

An act to amend Section 1238 of the Penal Code, relating to appeals from superior courts.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 1238 of the Penal Code is amended to read:

1238. An appeal may be taken by the people:

1. From an order setting aside the indictment, information, or complaint;

2. From a judgment for the defendant on a demurrer to the indictment, accusation, or information;

3. From an order granting a new trial;

4. From an order arresting judgment;

5. From an order made after judgment, affecting the substantial rights of the people;

6. From an order modifying the verdict or finding by reducing the degree of the offense or the punishment imposed;

7. From an order dismissing a case prior to trial made upon motion of the court pursuant to Section 1385 whenever such order is based upon an order granting defendant's motion to return or suppress property or evidence made at a special hearing as provided in this code;

8. From an order or judgment dismissing or otherwise terminating the action before the defendant has been placed in jeopardy or where the defendant has waived jeopardy. If, pursuant to this subdivision, the people prosecute an appeal to decision, or any review of such decision, it shall be binding upon them and they shall be prohibited from refiling the case which was appealed.

CHAPTER 533

An act to add Sections 12744, 12744.1, and 12744.2 to the Water Code, relating to flood control.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 12744 is added to the Water Code, to read:

12744. The project for flood protection on the Tijuana River in California is hereby adopted and authorized substantially in accordance with the "Report on an International Flood Control Project, Tijuana River Basin", prepared by the United States Section, International Boundary and Water Commission, United States and Mexico, and as authorized by the act approved October 10, 1966, Public Law 89-640, 80 Stat. 884, at such estimated cost to the state as may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the department; provided, that the requirement that local interests pay a portion of the construction costs, based upon land enhancement, is for payment of local benefits not related to flood control, and shall not be payable or reimbursable by the state. This authorization shall not be deemed to confer preference on this project over the needs of other statewide programs in appropriations of available funds.

SEC. 2. Section 12744.1 is added to the Water Code, to read:

12744.1. The City of San Diego shall give assurances satisfactory to the United States that the local cooperation required by federal legislation in connection with the project for flood protection adopted and authorized in Section 12744 will be furnished by the city.

SEC. 3. Section 12744.2 is added to the Water Code, to read:

12744.2. The City of San Diego, in conjunction with the Department of the Army, shall execute the plans and projects

referred to in Section 12744, and may make modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 (commencing with Section 12570) and 2 (commencing with Section 12639) of this part.

CHAPTER 534

An act to amend Section 74001 of the Government Code, relating to courts.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 74001 of the Government Code is amended to read:

74001. There shall be the following number of judges: in the North Orange County Municipal Court, eight; in the Central Orange County Municipal Court, seven; in the West Orange County Municipal Court, five, and on and after July 1, 1969, there shall be six; in the Orange County Harbor Municipal Court, three; and in the South Orange County Municipal Court, two.

CHAPTER 535

An act to amend Section 367d of the Penal Code, relating to motor vehicle offenses.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 367d of the Penal Code is amended to read:

367d. Any person driving a motor vehicle who is under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, shall be guilty of a misdemeanor.

CHAPTER 536

An act to amend Sections 630 and 702 of, and to add Section 871 to, the Welfare and Institutions Code, relating to minors.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 630 of the Welfare and Institutions Code is amended to read:

630. (a) If the probation officer determines that the minor shall be retained in custody, he shall immediately file a petition pursuant to Section 656 with the clerk of the juvenile court who shall set the matter for hearing on the detention hearing calendar. Immediately upon filing the petition with the clerk of the juvenile court, if the minor is alleged to be a person described in Section 601 or 602, the probation officer shall serve such minor with a copy of the petition and notify him of the time and place of the detention hearing. The probation officer shall thereupon notify a parent or guardian of the minor of the time and place of such hearing. Such notice may be given orally.

(b) In such hearing the minor has a privilege against self-incrimination and has a right to confrontation by, and cross-examination of, any person examined by the court as provided in Section 635.

SEC. 2. Section 702 of the Welfare and Institutions Code is amended to read:

702. After hearing such evidence, the court shall make a finding, noted in the minutes of the court, whether or not the minor is a person described by Sections 600, 601, or 602 If it finds that the minor is not such a person, it shall order that the petition be dismissed and the minor be discharged from any detention or restriction theretofore ordered. If the court finds that the minor is such a person, it shall make and enter its findings and order accordingly and shall then proceed to hear evidence on the question of the proper disposition to be made of the minor. Prior to doing so, it may continue the hearing, if necessary, to receive the social study of the probation officer or to receive other evidence on its own motion or the motion of a parent or guardian for not to exceed 10 judicial days if the minor is detained during such continuance, and if the minor is not detained, it may continue the hearing to a date not later than 30 days after the date of filing of the petition. The court may, for good cause shown continue the hearing for an additional 15 days, if the minor is not detained. The court may make such order for detention of the minor or his release from detention, during the period of the continuance, as is appropriate.

SEC. 3. Section 871 is added to the Welfare and Institutions Code, to read:

871. Any person under the custody of a probation officer in a county juvenile hall, or committed to a county juvenile home, ranch, camp, or forestry camp, who escapes or attempts to escape from such county juvenile hall, home, ranch, camp, or forestry camp, is guilty of a misdemeanor.

CHAPTER 537

An act to amend Sections 23141 and 23143 of the Government Code, relating to county boundaries.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 23141 of the Government Code is amended to read:

23141. The boundaries of San Mateo County are as follows:

Beginning, at the southwest corner, being the West corner of Santa Cruz; thence on the northwestern line of Santa Cruz to the southwestern line of Santa Clara, being the summit line of the Santa Cruz Mountains; thence northwesterly by said summit line to the source of San Francisquito Creek; thence down the South branch thereof, and down said creek in a general northerly and northeasterly direction along the common boundary between San Mateo County and Santa Clara County to a point where said boundary intersects the D 2 center line of the Bayshore Freeway at California State Highway Engineer's Station D 2 322+68.88 P.O.T. as said Engineer's Station and said common boundary is designated on "AS BUILT"—PLAN AND PROFILE OF STATE HIGHWAY IN SAN MATEO AND SANTA CLARA COUNTIES, BETWEEN 0.3 MILE SOUTH OF WILLOW ROAD AND 0.5 MILE SOUTH OF SAN MATEO-SANTA CLARA COUNTY LINE",—San Mateo, Santa Clara Route 68, Section D, A., accepted June 4th, 1958; said intersection being in the boundary of San Mateo County and Santa Clara County as said boundary was established by Ordinance No. 1619, changing the boundary of said counties, adopted October 15th, 1963, by the Board of Supervisors of the County of San Mateo; thence along said boundary as changed, northeasterly 105 feet to the southwesterly terminus of that certain course "South 40° 47' West" designated "Sta. 78+45± End of Work" as said course and said station are shown on "MAP AND GENERAL CONSTRUCTION PLANS OF ZONE NW-1 "NORTHWEST", PROJECT NO. 2 SAN FRANCISQUITO CREEK IMPROVEMENT FROM BAYSHORE HIGHWAY TO SAN FRANCISCO BAY, SANTA CLARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, SANTA CLARA COUNTY, CALIFORNIA, DATED SEPTEMBER 1958"—said plans on file in San Mateo County Engineer's Office in Case 3, H-1691; thence along the center line of said San Francisquito Creek improvement, North 40° 47' East 128.12 feet, more or less, to Station 77+16.88 of said center line; thence on a curve to the right, said curve having a radius of 305.00 feet and a central angle of 82° 30' an arc distance of 439.17 feet; thence South 56° 43' East 235.00 feet; thence South 61° 43' East 204.00 feet; thence on a curve to the

left said curve having a radius of 250.00 feet and a central angle of 49° 00′ an arc distance of 213.80 feet; thence North 69° 17′ East 404.14 feet; thence on a curve to the left said curve having a radius of 425.00 feet and a central angle of 96° 45′ an arc distance of 717.66 feet; thence North 27° 28′ West 367.46 feet; thence on a curve to the right said curve having a radius of 455.00 feet and a central angle of 28° 15′ an arc distance of 224 38 feet; thence North 0° 47′ East 295.00 feet; thence on a curve to the left said curve having a radius of 855.00 feet and a central angle of 13° 37′ an arc distance of 203.20 feet; thence North 12° 50′ West 1075.00 feet; thence on a curve to the right said curve having a radius of 300.00 feet and a central angle of 65° 35′ an arc distance of 343.39 feet; thence North 52° 45′ East 1250.00 feet; thence North 50° 20′ East 820 00 feet; thence on a curve to the right said curve having a radius of 300.00 feet and a central angle of 20° 00′ an arc distance of 104.72 feet; thence North 70° 20′ East 500 feet to Station 3+00, designated "Beginning of Project" on said San Francisquito Creek Improvement; thence continuing along last mentioned course North 70° 20′ East 300 feet, more or less, to a point in the corporate limits of the City of Menlo Park, as said limits were established by that certain annexation to the City of Menlo Park by Ordinance No. 318, adopted July 14th, 1959, by the City Council of said City; thence southeasterly, easterly and southerly along said corporate limits to the intersection thereof with said common County boundary as the same existed prior to Ordinance No. 1619; thence northeasterly along said boundary to a point in the middle of San Francisco Bay forming a common corner of San Mateo, Santa Clara, and Alameda; thence northerly in a direct line to a point in the center of the ship channel in the Bay of San Francisco West of and opposite to Dumbarton Point; thence northerly in a direct line to the southeast corner of San Francisco;

Thence westerly on the boundary line between San Mateo and San Francisco (said line being the North boundary of San Mateo and the South boundary of San Francisco, between San Mateo and San Francisco), as the line was surveyed, established, and marked by Charles S. Tilton, City and County Surveyor of San Francisco, William B. Gilbert, County Surveyor of San Mateo; and D. Bromfield, Assistant Civil Engineer, of San Mateo, between August 28 and December 28, 1898, and being the North boundary line of San Mateo, and the South boundary line of San Francisco, and marked by granite monuments eight inch by eight inch square set three feet in the ground in a bed of concrete three feet square and three in the ground, on section and quarter-section corners, on the township line between T. 2 and 3 S., R. 5 and 6 W., M.D.B. & M., and the line being marked on each monument by a copper nail in a plug of lead which has been countersunk into the top of the monument, and on the dressed faces the letters "S.F." being cut into the stone on the San Francisco side of the line, and the

letters "S.M." being cut into the stone in the San Mateo side of the line, and the bearing of the said line being determined by stellar observation as North 89° 49½′ East, to the southwest corner of the said boundary line of San Francisco in the Pacific Ocean, and thence southerly along the ocean shore to the Point of Beginning. The eastern boundary of San Mateo shall be the western boundary of Alameda, insofar as the same borders on San Mateo.

SEC. 2. Section 23143 of the Government Code is amended to read:

23143. The boundaries of Santa Clara County are as follows:

Beginning at a point distant North 30° West 1,254 feet from the southwest corner of Sec. 22, T. 5 S., R. 2 W., M.D.B. & M., being the corner common to San Mateo, Santa Clara, and Alameda; thence southeasterly in a direct line to the southwest corner of Sec. 26, T. 5 S., R. 2 W., M.D.B. & M.; thence easterly in a direct line to the point where the center of the Coyote River is intersected by the West line of T. 5 S., R. 1 W., M.D.B. & M.; thence easterly along the center of the Coyote River to a point from which a sandstone monument set on the southwesterly side of the county road leading from San Jose to Oakland, or the state highway, as described in the field-notes of the survey of the boundary line between Alameda and Santa Clara, filed June 2, 1873, in the office of the clerk of Santa Clara County, bears North 57° 35′ East 4,340 feet distant, more or less; thence North 57° 35′ East 4,340 feet, more or less, to said Sandstone monument;

Thence northeasterly and easterly along the boundary line between Alameda and Santa Clara, as described in the field-notes of said survey, to the corner common to Alameda, San Joaquin, Stanislaus, and Santa Clara; thence southeasterly following the summit of the Coast Range to the corner common to San Benito, Merced, and Santa Clara, situated in Sec. 21, T. 11 S., R. 7 E., M.D.B. & M., as established by Charles T. Healy, Deputy Surveyor-General of California in September, 1858; thence westerly on the surveyed line between Santa Clara and San Benito to a point on the San Felipe Creek, near San Felipe Lake; thence around the eastern and northern side of said lake to the Pajaro River; thence down said river to the southwest corner of Santa Clara and the southeast corner of Santa Cruz; thence northwesterly, following the summit of the Santa Cruz Mountains, being the northeasterly boundary of Santa Cruz, to the head of the South fork of the San Francisquito Creek; thence down said creek in a general northerly and northeasterly direction along the common boundary between San Mateo County and Santa Clara County to a point where said boundary intersects the D 2 center line of the Bayshore Freeway at California State Highway Engineer's Station D 2 322+68.88 P.O.T. as said Engineer's Station and said common boundary is designated on "AS BUILT"—PLAN AND PROFILE OF STATE HIGHWAY IN SAN MATEO

AND SANTA CLARA COUNTIES, BETWEEN 0.3 MILE SOUTH OF WILLOW ROAD AND 0.5 MILE SOUTH OF SAN MATEO-SANTA CLARA COUNTY LINE",—San Mateo, Santa Clara Route 68, Section D, A., accepted June 4th, 1958; said intersection being in the boundary of San Mateo County and Santa Clara County as said boundary was established by Ordinance No. 1619, changing the boundary of said counties, adopted October 15th, 1963, by the Board of Supervisors of the County of San Mateo; thence along said boundary as changed, northeasterly 105 feet to the southwesterly terminus of that certain course "South 40° 47′ West" designated "Sta. 78+45± End of Work" as said course and said station are shown on "MAP AND GENERAL CONSTRUCTION PLANS OF ZONE NW-1 "NORTHWEST", PROJECT NO. 2 SAN FRANCISQUITO CREEK IMPROVEMENT FROM BAYSHORE HIGHWAY TO SAN FRANCISCO BAY, SANTA CLARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, SANTA CLARA COUNTY, CALIFORNIA, DATED SEPTEMBER 1958"—said plans on file in San Mateo County Engineer's Office in Case 3, H-1691; thence along the center line of said San Francisquito Creek Improvement, North 40° 47′ East 128.12 feet, more or less, to Station 77+16.88 of said center line; thence on a curve to the right, said curve having a radius of 305.00 feet and a central angle of 82° 30′ an arc distance of 439.17 feet; thence South 56° 43′ East 235 00 feet; thence South 61° 43′ East 204.00 feet; thence on a curve to the left said curve having a radius of 250.00 feet and a central angle of 49° 00′ an arc distance of 213 80 feet; thence North 69° 17′ East 404.14 feet; thence on a curve to the left said curve having a radius of 425.00 feet and a central angle of 96° 45′ an arc distance of 717.66 feet; thence North 27° 28′ West 367.46 feet; thence on a curve to the right said curve having a radius of 455.00 feet and a central angle of 28° 15′ an arc distance of 224.38 feet; thence North 0° 47′ East 295 00 feet; thence on a curve to the left said curve having a radius of 855.00 feet and a central angle of 13° 37′ an arc distance of 203.20 feet; thence North 12° 50′ West 1075.00 feet; thence on a curve to the right said curve having a radius of 300.00 feet and a central angle of 65° 35′ an arc distance of 343.39 feet; thence North 52° 45′ East 1250.00 feet; thence North 50° 20′ East 820.00 feet; thence on a curve to the right said curve having a radius of 300 00 feet and a central angle of 20° 00′ an arc distance of 104.72 feet; thence North 70° 20′ East 500 feet to Station 3±00, designated "Beginning of Project" on said San Francisquito Creek Improvement; thence continuing along last mentioned course North 70° 20′ East 300 feet, more or less, to a point in the corporate limits of the City of Menlo Park, as said limits were established by that certain annexation to the City of Menlo Park by Ordinance No. 318, adopted July 14th, 1959, by the City Council of said City; thence southeasterly, easterly and southerly along said corporate limits to the inter-

section thereof with said common County boundary as the same existed prior to Ordinance No. 1619; thence northeasterly along said boundary to the Point of Beginning.

CHAPTER 538

An act to amend Section 1463 of the Penal Code and to amend Section 42201 of the Vehicle Code, relating to disposition of fines.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 1463 of the Penal Code is amended to read:

1463. Except as otherwise specifically provided by law:

(1) All fines and forfeitures including Vehicle Code fines and forfeitures collected upon conviction or upon the forfeiture of bail, together with moneys deposited as bail, in any municipal court or justice court, shall, as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which such court is situated. The moneys so deposited shall be distributed as follows:

(a) Once a month there shall be transferred into the proper funds of the county an amount equal to the fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by the state or by the county in which such court is situated, exclusive of fines or forfeitures or forfeitures of bail collected from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code within the limits of a city within the county.

(b) Except as otherwise provided in this subdivision, once a month there shall be transferred into the traffic safety fund of each city in the county an amount equal to 50 percent of all fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code within that city, and an amount equal to the remaining 50 percent shall be transferred to the special road fund of the county; provided, however, that the board of supervisors of the county may, by resolution, provide that not more than 50 percent of the amount to be transferred to the special road fund of the county, be transferred into the general fund of the county.

Once a month there shall be transferred into the general fund of the county an amount equal to that percentage of the fines and forfeitures collected during the preceding month

upon the conviction or upon the forfeiture of bail from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code on state highways constructed as freeways whereon city police officers enforced the provisions of the Vehicle Code on April 1. 1965, within the limits of a city within the county which is set forth in the schedule appearing in subparagraph (c) of this paragraph (1). If this paragraph is applicable within a city, it shall apply uniformly throughout the city to all freeways regardless of the date of freeway construction or completion.

(c) Once a month there shall be transferred into the general fund of the county an amount equal to that percentage of the fines and forfeitures collected during the preceding month upon conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by each city in the county which is set forth in the following schedule:

County and city	Percentage
Alameda	
Alameda	18
Albany	29
Berkeley	19
Emeryville	13
Hayward	10
Livermore	7
Oakland	22
Piedmont	44
Pleasanton	17
San Leandro	9
County percentage	21
Amador	
Amador	25
Ione	25
Jackson	25
Plymouth	25
Sutter Creek	25
County percentage	29
Butte	
Biggs	75
Chico	22
Gridley	49
Oroville	9
County percentage	20
Calaveras	
Angels	62
County percentage	62
Colusa	
Colusa	13
Williams	17
County percentage	16
Contra Costa	
Antioch	11
Brentwood	24
Concord	18
El Cerrito	19
Hercules	14
Martinez	22
Pinole	22
Pittsburg	5
Richmond	14
San Pablo	12
Walnut Creek	24
County percentage	14
Del Norte	
Crescent City	19
County percentage	19
El Dorado	
Placerville	14
County percentage	14
Fresno	
Clovis	23
Coalinga	21
Firebaugh	16
Fowler	34
Fresno	26
Huron	24
Kerman	14
Kingsburg	34
Mendota	11
Orange Cove	24
Parlier	21
Reedley	30

County and city	Percentage
Fresno—Continued	
Sanger	29
San Joaquin	15
Selma	14
County percentage	24
Glenn	
Orland	27
Willows	36
County percentage	32
Humboldt	
Arcata	9
Blue Lake	26
Eureka	11
Ferndale	30
Fortuna	17
Trinidad	11
County percentage	11
Imperial	
Brawley	8
Calexico	10
Calipatria	30
El Centro	5
Holtville	16
Imperial	6
Westmorland	12
County percentage	8
Inyo	
Bishop	25
County percentage	25
Kern	
Bakersfield	10
Delano	13
Maricopa	36
Shafter	15
Taft	19
Tehachapi	12
Wasco	28
County percentage	12
Kings	
Corcoran	31
Hanford	21
Lemoore	25
County percentage	25
Lake	
Lakeport	33
County percentage	33
Lassen	
Susanville	21
County percentage	21

County and city	Percentage
Los Angeles	
Alhambra	13
Arcadia	11
Avalon	54
Azusa	11
Bell	11
Beverly Hills	14
Burbank	14
Claremont	5
Compton	16
Covina	11
Culver City	10
El Monte	11
El Segundo	11
Gardena	22
Glendale	16
Glendora	12
Hawthorne	7
Hermosa Beach	14
Huntington Park	12
Inglewood	16
La Verne	14
Long Beach	14
Los Angeles	8
Lynwood	9
Manhattan Beach	13
Maywood	15
Monrovia	11
Montebello	11
Monterey Park	11
Palos Verdes Estates	10
Pasadena	9
Pomona	12
Redondo Beach	15
San Fernando	17
San Gabriel	16
San Marino	5
Santa Monica	11
Sierra Madre	11
Signal Hill	24
South Gate	13
South Pasadena	9
Torrance	16
Vernon	25
West Covina	11
Whittier	11
County percentage	11

County and city	Percentage
Madera	
Chowchilla	17
Madera	16
County percentage	17
Marin	
Belvedere	16
Corte Madera	12
Fairfax	30
Larkspur	30
Mill Valley	13
Ross	18
San Anselmo	11
San Rafael	13
Sausalito	21
County percentage	16
Mendocino	
Fort Bragg	19
Point Arena	40
Ukiah	10
Willits	24
County percentage	17
Merced	
Atwater	23
Dos Palos	21
Gustine	23
Livingston	14
Los Banos	13
Merced	18
County percentage	18
Modoc	
Alturas	42
County percentage	42
Monterey	
Carmel	17
Gonzales	10
Greenfield	13
King City	36
Monterey	13
Pacific Grove	22
Salinas	36
Soledad	16
County percentage	23
Napa	
Calistoga	37
Napa	11
St. Helena	12
County percentage	14
Nevada	
Grass Valley	7
Nevada City	17
County percentage	9
Orange	
County percentage	15
Placer	
Auburn	18
Colfax	8
Lincoln	26
Rocklin	16
Roseville	10
County percentage	14
Plumas	
Portola	19
County percentage	19
Riverside	
Banning	35
Beaumont	15
Blythe	9
Coachella	12
Corona	12
Elsinore	10
Hemet	35
Indio	16
Palm Springs	35
Perris	14
Riverside	16
San Jacinto	41
County percentage	35
Sacramento	
Folsom	31
Galt	25
Isleton	13
North Sacramento	10
Sacramento	21
County percentage	26
San Benito	
Hollister	9
San Juan Bautista	28
County percentage	11
San Bernardino	
Barstow	23
Chino	14
Colton	21
Fontana	15
Needles	33
Ontario	20
Redlands	28
Rialto	15
San Bernardino	20
Upland	14
County percentage	20

County and city	Percentage
San Diego	
Carlsbad	8
Chula Vista	23
Coronado	25
Del Mar	8
El Cajon	17
Escondido	16
Imperial Beach	8
La Mesa	23
National City	14
Oceanside	15
San Marcos	8
Vista	8
San Diego	6
County percentage	25
San Joaquin	
Lodi	18
Manteca	8
Ripon	11
Stockton	14
Tracy	15
County percentage	14
San Luis Obispo	
Arroyo Grande	9
Paso Robles	26
Pismo Beach	8
San Luis Obispo	21
County percentage	16
San Mateo	
Atherton	27
Belmont	7
Burlingame	38
Colma	40
Daly City	24
Hillsborough	75
Menlo Park	12
Millbrae	16
Redwood City	27
San Bruno	13
San Carlos	8
San Mateo	42
South San Francisco	12
County percentage	21
Santa Barbara	
Guadalupe	28
Lompoc	16
Santa Barbara	11
Santa Maria	12
County percentage	13
Santa Clara	
Alviso	75
Campbell	16
Gilroy	28
Los Altos	16
Los Gatos	30
Morgan Hill	11
Mountain View	13
Palo Alto	21
San Jose	13
Santa Clara	16
Sunnyvale	26
County percentage	16
Santa Cruz	
Capitola	21
Santa Cruz	23
Watsonville	21
County percentage	22
Shasta	
Redding	22
County percentage	22
Sierra	
Loyalton	75
County percentage	75
Siskiyou	
Dorris	18
Dunsmuir	29
Etna	18
Fort Jones	46
Montague	75
Mount Shasta	37
Tulelake	33
Yreka	30
County percentage	29
Solano	
Benicia	17
Dixon	28
Fairfield	31
Rio Vista	19
Suisun	7
Vacaville	15
Vallejo	18
County percentage	19
Sonoma	
Cloverdale	37
Healdsburg	33
Petaluma	24
Santa Rosa	14
Sebastopol	28

County and city	Percentage
Sonoma—Continued	
Sonoma	28
County percentage	19
Stanislaus	
Ceres	14
Modesto	15
Newman	10
Oakdale	15
Patterson	20
Riverbank	18
Turlock	19
County percentage	15
Sutter	
Live Oak	17
Yuba City	17
County percentage	17
Tehama	
Corning	26
Red Bluff	39
Tehama	10
County percentage	31
Tulare	
Dinuba	21
Exeter	23
Lindsay	24
Porterville	26
Tulare—Continued	
Tulare	20
Visalia	17
Woodlake	15
County percentage	21
Tuolumne	
Sonora	23
County percentage	23
Ventura	
Fillmore	16
Ojai	16
Oxnard	16
Port Hueneme	16
Santa Paula	16
Ventura	16
County percentage	16
Yolo	
Davis	22
Winters	19
Woodland	20
County percentage	20
Yuba	
Marysville	15
Wheatland	38
County percentage	15

In any county for which a county percentage is set forth in the above schedule and which contains a city which is not listed or which is hereafter created, there shall be transferred to the county general fund the county percentage. In any county for which no county percentage is set forth, and in which a city is hereafter created, there shall be transferred to the county general fund 15 percent.

A county and a city therein may, by mutual agreement, adjust the percentages herein.

(d) Once a month there shall be transferred to each city in the county an amount equal to the total sum remaining after the transfers provided for in subparagraphs (b) and (c) above have been made of the fines and forfeitures collected during the preceding month upon conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by such city or arrests made by state officers for misdemeanor violations of the Vehicle Code.

(2) Any money deposited with such court or with the clerk thereof which, by order of the court or for any other reason, should be returned in whole or in part to any person, or which is by law payable to the state or to any other public agency, shall be paid to such person or to the state or to such other public agency by warrant of the county auditor, which shall be drawn upon the requisition of the clerk of such court.

All money deposited as bail which has not been claimed within one year after the final disposition of the case in which such money was deposited, or within one year after an order made by the court for the return or delivery of such money to any person, shall be apportioned between the city and the county and paid or transferred in the manner hereinabove provided for the apportionment and payment of fines and forfeitures. This paragraph shall control over any conflicting provisions of law.

SEC. 2. Section 42201 of the Vehicle Code is amended to read:

42201. Of the total amount of fines and forfeitures received by a county under subsection (a) of subdivision (1) of Section 1463 of the Penal Code, that proportion which is represented by fines and forfeitures collected from any person charged with a misdemeanor under this code following arrest by any officer employed by the state or by the county shall be paid into the treasury of the county and deposited in the road fund of the county; provided, however, that the board of supervisors of the county may, by resolution, provide that not more than 50 percent thereof be transferred into the general fund of the county.

The board of supervisors of a county may enter into a contract with the Department of the California Highway Patrol for the purpose of providing adequate protection for school pupils who are required to cross heavily traveled streets, highways, and roadways in the unincorporated areas of the county, and may reimburse the state for salaries and wages of crossing guards furnished by the Department of the California Highway Patrol pursuant to such contract, including any necessary retirement and general administrative costs and expenses in connection therewith, and may pay the costs thereof from amounts deposited in the road fund pursuant to this section.

CHAPTER 539

An act to amend Sections 30361 and 32101 of, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 30361 of the Revenue and Taxation Code is amended to read:

30361. If the board determines that any amount not required to be paid under this part has been paid by any person, the board shall set forth that fact in its records and certify to the State Board of Control the amount collected in excess of the amount legally due and the person from whom it was

collected or by whom it was paid. If approved by the State Board of Control, the excess amount collected or paid shall be credited by the board on any amounts then due and payable from the person from whom the excess amount was collected or by whom it was paid under this part, and the balance shall be refunded to the person, or his successors, administrators, or executors.

In the case, however, of a determination by the board that an amount not exceeding one thousand dollars ($1,000) was not required to be paid under this part, the board, without obtaining approval of the State Board of Control, may credit such amount on any amounts then due and payable under this part from the person by whom the amount was paid and shall refund the balance to the person or his successors, administrators or executors.

SEC. 2. Section 32101 of the Revenue and Taxation Code is amended to read:

32101. The issuance of any manufacturer's, winegrower's, wine blender's, distilled spirits manufacturer's agent's, rectifier's, wholesaler's, importer's, or customs broker's license under Division 9 of the Business and Professions Code shall constitute the registration of the person to whom the license is issued as a taxpayer under this part. Upon the issuance of any such license the Department of Alcoholic Beverage Control shall furnish a copy thereof to the board.

CHAPTER 540

An act to amend Section 6908 of the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 6908 of the Revenue and Taxation Code is amended to read:

6908. (a) If the board determines that any overpayment has been made intentionally or by reason of carelessness, it shall not allow any interest thereon.

(b) If any person who has filed a claim for refund requests the board to defer action on the claim, the board, as a condition to deferring action, may require the claimant to waive interest for the period during which the person requests the board to defer action on the claim.

CHAPTER 541

An act to amend Section 18655 of the Financial Code, relating to loan charges.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 18655 of the Financial Code is amended to read:

18655. The charges by an industrial loan company, broker, and all other persons on any loan, forbearance of money, credit, goods, or things in action under this division, shall not exceed in the aggregate:

(a) Two percent (2%) per month on that part of the unpaid principal balance of any loan up to, including, but not in excess of seven hundred dollars ($700).

(b) One percent per month on any remainder of such unpaid principal balance in excess of seven hundred dollars ($700).

CHAPTER 542

An act to add Section 990 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 990 is added to the Revenue and Taxation Code, to read:

990. Where migratory livestock are ranged in two or more counties during the year, the assessors of the counties interested may meet and prorate the number of stock to be assessed in each county, taking into consideration the time such stock ranged in each county.

SEC. 2. It is not the intent of the Legislature that this act is to increase the burden of livestock owners in reporting information to the county assessors.

SEC. 3. Section 1 of this act shall not be operative and shall have no force and effect after July 1, 1970

CHAPTER 543

An act to amend Section 30462 of the Revenue and Taxation Code, relating to appropriations from the Cigarette Tax Fund, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 11, 1968.]

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

SECTION 1. Section 30462 of the Revenue and Taxation Code is amended to read:

30462. All money deposited in the Cigarette Tax Fund under this part is hereby appropriated, subject to the provisions of any budget bill heretofore or hereafter enacted and Section 11006 of the Government Code, and shall, upon order of the State Controller, be drawn therefrom and allocated for the following purposes:

(a) To pay the refunds authorized by this part.

(b) To the Controller an amount not to exceed one hundred fifty thousand dollars ($150,000) in each fiscal year.

(c) To the counties and cities of this state an amount equal to thirty percent (30%) of the money in the fund which is derived from taxes imposed on and after October 1, 1967, such money to be allocated by the Controller on or before December 15, 1967, and on the 15th day of each month thereafter to each city and county in this state in the following manner:

(1) The money to be allocated pursuant to this subdivision shall first be divided into two separate accounts, one for the cities and counties and counties of this state and one for the cities of this state. In order to determine the amount of money in each account, the Controller shall first determine the amount due each county, city and county and city in this state in the proportion that sales tax revenues transmitted pursuant to Part 1.5 (commencing with Section 7200) of this division to each such city, city and county and in the unincorporated territory of a county bear to the total of such revenue in the state. The amount due each county and city and county shall be allocated in accordance with this formula and the amount due each city shall be allocated pursuant to paragraph (2) or paragraph (3) of this subdivision.

(2) Upon the application of any city for an allocation pursuant to this paragraph, the Controller shall determine the amount of revenue derived from the city's selective local tax on, or with respect to, the sale, distribution, use, consumption, or holding of cigarettes or any other tobacco product during the 1966–67 fiscal year, or which would have been derived from such tax if the rate in effect on August 1, 1967, had been in effect throughout such fiscal year. This amount shall be adjusted, beginning on July 1, 1969, by the percentage

by which the cigarette tax revenues have increased or decreased. For the 1969–1970 fiscal year the percentage shall be derived by comparing the revenues deposited in the Cigarette Tax Fund during the period January 1 through June 30, 1969, with those deposited during the period January 1 through June 30, 1968. For the 1970–1971 fiscal year and each fiscal year thereafter, the percentage shall be derived by comparing revenues deposited in the Cigarette Tax Fund during the preceding fiscal year with those deposited during the entire 1968–1969 fiscal year. The amount computed after applying the percentage factor shall then be reduced by deducting the cost to the city of administering and collecting any such tax for the 1966–1967 fiscal year. If such amount, when divided by 12, is more than the amount which would be disbursed to the city at the time of the next allocation pursuant to paragraph (3) of this subdivision, an amount equal to the amount which such city would have netted from its own tax shall be allocated to such city each month pursuant to this paragraph from the account established for cities in paragraph (1), and no allocation shall be made to such city pursuant to paragraph (3) until such time as the city rescinds its right to receive an allocation under this paragraph. A city which has rescinded such right may not, thereafter, file another application for an allocation pursuant to this paragraph. No city shall be eligible for a subvention pursuant to this paragraph unless, on August 1, 1967, it in fact imposed a selective local tax on, or with respect to, the sale, distribution, use, consumption or holding of cigarettes or any other tobacco product

(3) (A) After making any allocations required by paragraph (2) of this subdivision, 50 percent of the revenue remaining in the account for the cities of this state shall be allocated to the remaining cities in the proportion that sales tax revenues transmitted pursuant to Part 1.5 (commencing with Section 7200) of this division to each remaining city bears to the total of such revenue transmitted to all remaining cities.

(B) Fifty percent thereof shall be paid to the cities receiving an allocation under this paragraph in the proportion that the population of each such city bears to the total population of all cities in this state receiving an allocation under this paragraph, as determined by the Controller. For the purpose of this subdivision the population of each city is that determined by the Controller in the manner specified in Section 11005 of this code.

(d) The balance remaining in the fund shall be transferred to the General Fund of this state.

The allocation provided for in subdivision (c) shall not be made to any county, or city which, after October 1, 1967, imposes a selective local tax on, or with respect to, the sale, distribution, use, consumption, or holding of cigarettes or any other tobacco product.

SEC. 2. Section 151 of Chapter 963 of the Statutes of 1967 shall apply to the provisions of this act, and the reference in said section to subdivision (e) of Section 30462 of the Revenue and Taxation Code shall be deemed to refer to subdivision (e) of Section 30462 of said code.

SEC. 3. The provisions of this act shall become operative on July 1, 1968.

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

This act provides for a formula for allocating cigarette tax revenue to cities in a different manner than the existing formula and, in order for this new formula to apply throughout the 1968–69 fiscal year, it is necessary that this act go into immediate effect.

CHAPTER 544

An act to add Section 35015 to the Government Code, relating to annexations by cities.

[Approved by Governor July 11, 1968. Filed with Secretary of State July 12, 1968.]

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

SECTION 1. Section 35015 is added to the Government Code, to read:

35015. In any annexation pursuant to this chapter, the territory proposed to be annexed may be annexed by the legislative body of the city without notice and hearing and without an election, if all of the owners of the land within such territory consent in writing to such annexation and if the local agency formation commission gives its approval and authorization pursuant to Section 54797.1.

CHAPTER 545

An act to amend Section 6016 of the Business and Professions Code, relating to attorneys.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 6016 of the Business and Professions Code is amended to read:

6016. The term of office of each member of the board shall commence at the conclusion of the annual meeting next suc-

ceeding his election, and he shall hold office until his successor is elected and qualified.

Vacancies in the board of governors shall be filled by the board by special election or by appointment for the unexpired term.

The board of governors may provide by rule for an interim board to act in the place and stead of the board when because of vacancies during terms of office there is less than a quorum of the board.

CHAPTER 546

An act to amend Section 31534 of the Government Code, relating to County Employees' Retirement Law.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 31534 of the Government Code is amended to read:

31534. The proposed findings of fact and recommendations of the referee shall be served on the parties who shall have 10 days to submit written objections thereto which shall be incorporated in the record to be considered by the board.

Upon receiving the proposed findings of fact and recommendations of the referee, the board may:

(a) Approve and adopt the proposed findings and the recommendations of the referee, or

(b) Require a transcript or summary of all the testimony, plus all other evidence received by the referee. Upon the receipt thereof the board shall take such action as in its opinion is indicated by such evidence, or

(c) Refer the matter back with or without instructions to the referee for further proceedings, or

(d) Set the matter for hearing before itself. At such hearing the board shall hear and decide the matter as if it had not been referred to the referee.

CHAPTER 547

An act to amend Section 31533 of the Government Code, relating to county retirement systems.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 31533 of the Government Code is amended to read:

31533. Whenever, in order to make a determination, it is necessary to hold a hearing the board may appoint either one of its members or a member of the State Bar of California to serve as a referee. The referee shall hold such a hearing and shall transmit, in writing, to the board his proposed findings of fact and recommended decision.

CHAPTER 548

An act to amend Sections 705, 881, 940.1, 949, 976, 1589, 1590, 1854.25 11090, 11509, 11620, 12221, 12226, 12973, and to add Sections 10479.5, 10506.1. 11520.5, and 11751.55 to the Insurance Code, relating to fees paid to or charged by the Insurance Commissioner and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 705 of the Insurance Code is amended to read:

705. The commissioner shall require the payment of twenty-five dollars ($25) in lawful money of the United States, in advance as a fee for filing an application for each amendment of a certificate of authority authorizing any insurer to transact business in this state. Notwithstanding the provisions of Section 701 each insurer possessing a certificate of authority of indefinite term pursuant to such section shall owe and pay an annual fee of one hundred dollars ($100) in lawful money of the United States in advance on account of such certificate until its final expiration. Such fee shall be for annual periods commencing on July 1st of each year and ending on June 30th of each year and shall be due on each March 1st and shall be delinquent on and after each April 1st.

SEC. 2. Section 881 of the Insurance Code is amended to read:

881. The commissioner shall require the name or any changed name of every insurer (including reciprocal or inter-insurance exchanges), every attorney in fact, every motor club and every underwritten title company to be submitted to him by written application and approved by him before such name is used in this state for business purposes. He may reject any name so submitted when it is an interference with, or too similar to, one already appropriated, or when it is likely to mislead the public in any respect. In such case a name not liable to such objection must be chosen.

If the commissioner rejects a name in use elsewhere by an already organized entity which has not commenced an insurance business in this state but is doing an insurance business

elsewhere and approves and reserves a new name for such entity, such entity shall within 120 days:

(a) Adopt such new name by appropriate legal steps to amend its articles of incorporation, charter or other basic document, or

(b) Arrange to conduct any business it may do with the public in California under such approved name as an operating name, retaining its true name for all official business, or

(c) Abandon whatever application for admission, securities permit or other application it may have pending before the commissioner.

If the commissioner rejects a name proposed by an entity which has not commenced transaction of insurance anywhere it shall organize under a new name approved by the commissioner, or if already organized legally adopt such new name. Until it does the commissioner may refuse to accept or act upon any such application.

Except as hereinafter provided the commissioner shall charge and collect in advance a fee of twenty-five dollars ($25) for filing an application for name approval. An application for name approval may contain not more than two alternate names in the order of applicant's choice without additional fee, but the commissioner's approval shall be limited to only one name submitted by any one application.

Where the person seeking approval of a name is also an applicant for admission and has paid the statutory fee for filing such application and the same is pending, an application for name approval may be filed without additional charge. The fee chargeable when and as provided in this section is in addition to any other fees specified in this code.

Notwithstanding the provisions of Sections 1282 and 12221 of this code, the provisions of this section shall apply to reciprocal insurers, including their attorneys in fact, and shall apply to motor clubs, respectively.

SEC. 3. Section 940.1 of the Insurance Code is amended to read:

940.1. The commissioner shall require the payment of twenty-five dollars ($25) in lawful money of the United States in advance for receiving and processing securities or deposit schedules for securities deposited pursuant to this article. An additional fee of ten dollars ($10) shall be payable for each withdrawal, substitution, or any other change in the securities comprising such deposit. There shall be no other or additional fee for attaching the commissioner's seal to a securities deposit schedule for a deposit under this article.

SEC. 4. Section 949 of the Insurance Code is amended to read:

949. The commissioner shall require the payment of ten dollars ($10) in lawful money of the United States, in advance, as a fee for each certificate issued pursuant to this article.

SEC. 5. Section 976 of the Insurance Code is amended to read:

976. The commissioner shall require in advance, in lawful money of the United States, the following fees for filing bonds or endorsements or receiving security schedules, all from admitted insurers pursuant to this article:

(a) For filing a bond or an endorsement to such bond, ten dollars ($10).

(b) For receiving security schedules, or for withdrawing, substituting or making any change in securities on deposit, the appropriate fee prescribed by Article 11 (commencing with Section 939), of Chapter 1, Part 2, Division 1 of this code.

SEC. 6. Section 1589 of the Insurance Code is amended to read:

1589. Whenever such a deposit is made with the commissioner, he shall issue to the depositing insurer a certificate under his official seal stating the items and amount of securities so deposited, and their value, to the best of his knowledge. In case of withdrawal and substitution, he shall issue a supplemental certificate of similar nature.

The commissioner shall require the payment of twenty-five dollars ($25) in lawful money of the United States in advance as a fee for issuing the first such certificate provided for in this article to each insurer, and ten dollars ($10) for each additional certificate or each supplemental certificate evidencing any withdrawal, substitution, or other change in the securities deposited. There shall be no other or additional fee for attaching the commissioner's seal to a securities deposit schedule in such instances. The fees prescribed herein are separate from and not cumulative upon those prescribed by Article 11 (commencing with Section 939), Chapter 1, Part 2, Division 1 of this code.

SEC. 7. Section 1590 of the Insurance Code is amended to read:

1590. The commissioner shall require the payment of ten dollars ($10) in lawful money of the United States, in advance, as a fee for filing a certificate of deposit of securities under this article.

SEC. 8. Section 1854.25 of the Insurance Code is amended to read:

1854.25. Notwithstanding the provision of Section 1854.2, each rating organization possessing a license of indefinite term pursuant to such section shall owe and pay to the commissioner an annual fee of one hundred dollars ($100) in lawful money of the United States in advance on account of such license until its final termination. Such fee shall be for periods commencing on July 1, 1964, and on each July 1st thereafter and ending on June 30, 1965, and each June 30th thereafter, and shall be due and payable on March 1, 1964, and on each March 1st thereafter and shall be delinquent on April 1, 1964, and each April 1st thereafter.

SEC. 9. Section 10479.5 is added to the Insurance Code, to read:

10479.5. When the commissioner has valued the reserve liabilities of an insurer as provided by this article, he may upon request of the insurer issue his official certificate or certificates describing the reserve liability and the valuation thereof as he has determined. For issuing an original certificate, the commissioner shall require, in advance, a fixed fee of ten dollars ($10) in lawful money of the United States, plus the actual cost to the Insurance Department of making the valuation on which the certificate is based including, but not limited to, the aggregate salaries computed on an hourly basis for the time actually spent thereon by all of the department personnel.

SEC. 10. Section 10506.1 is added to the Insurance Code, to read:

10506.1. The commissioner shall require the payment of one hundred dollars ($100) in lawful money of the United States as a fee for the determination of qualification required by Section 10506. Upon completion of the determination of qualification, and, whether authorization to issue contracts providing variable benefits is granted or denied, the commissioner shall require the payment by domestic insurers of such additional amounts from the requesting domestic insurer as may be necessary to defray all administrative costs in excess of one hundred dollars ($100) incurred by the commissioner in making such determination.

SEC. 11. Section 11090 of the Insurance Code is amended to read:

11090. Subject to the annual fee provisions as provided herein, every certificate of authority issued to a fraternal benefit society shall be for an indefinite term and shall expire with the expiration or termination of the corporate existence of the holder thereof unless sooner revoked by the commissioner. The commissioner shall require the payment of one thousand dollars ($1,000) in lawful money of the United States, in advance as a fee for filing an application for each original certificate of authority authorizing any fraternal benefit society to transact insurance in this state. Each society possessing a certificate of authority of indefinite term shall owe and pay an annual fee of one hundred dollars ($100) in lawful money of the United States in advance on account of such certificate until its final expiration or revocation. Such fee shall be for annual periods commencing on July 1st of each year, and ending on June 30th of each year, and shall be due on each March 1st and shall be delinquent on and after each April 1st. A duly certified copy or duplicate of such certificate of authority shall be prima facie evidence that the holder is a fraternal benefit society within the meaning of this chapter.

SEC. 12. Section 11509 of the Insurance Code is amended to read:

11509. Every corporation subject to the provisions of this chapter shall annually, on or before the first day of March, file in the office of the Commissioner of Insurance of this state a

statement verified by at least two of the principal officers of said corporation, showing its condition and affairs as of the 31st day of December then next preceding, which shall be in such form as shall be required by said commissioner and shall contain statements relative to the matters required to be established as a condition precedent to maintaining or operating a nonprofit hospital service plan and to other matters as said commissioner shall prescribe.

Commencing with the annual statement to be filed on or before March 1, 1969, the commissioner shall require the payment of a fee for filing such statement. Such fee shall be in an amount estimated by the commissioner as the filing corporation's proportionate share of the costs of the department in administering the provisions of this chapter with respect to the operations of all corporations required to file an annual statement for the ensuing fiscal year. In making the estimate of such costs the commissioner shall take into account all other fees and charges payable to the department by such corporations and shall, on or before the first day of February, certify to each such corporation holding a certificate of authority under Section 11504, the amount of the fee to be paid by it pursuant to this section The total amount of fees and charges, including expenses paid in connection with an examination of the corporation, whether imposed by this section or otherwise, to be collected by the commissioner from corporations subject to this chapter shall not exceed for any year an amount equal to six cents ($0.06) for each individual or family unit shown as covered by a hospital service contract in all annual statements filed under this section in the preceding year.

SEC. 13. Section 11520 5 is added to the Insurance Code, to read:

11520.5. No person shall transact in this state the business described in this chapter without first procuring a certificate of authority from the commissioner for such purpose. Application for such certificate shall be made on a form prescribed by the commissioner accompanied by a filing fee of ten dollars ($10). Such certificate shall not be granted until the applicant conforms to the requirements of this chapter and the laws of this state prerequisite to its issue. After such issue the holder shall continue to comply with the requirements of this chapter and the laws of this state. Where a hearing is held under this section the proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code, and the commissioner shall have all of the powers granted therein.

Subject to the annual fee provisions herein, every certificate of authority issued or held under this chapter shall be for an indefinite term and, unless sooner revoked by the commissioner, shall terminate upon occurrence of any of the following:

(a) Upon the holder's ceasing to exist as a separate entity.

(b) Upon the winding up or dissolution, or expiration or forfeiture of the corporate existence of a corporate holder thereof.

(c) Upon winding up or dissolution of a holder not a corporation.

(d) In any event upon surrender by the holder of its certificate of authority and cancellation of the same by the commissioner.

The commissioner shall not cancel a surrendered certificate of authority until he is satisfied by examination, or otherwise, that the former holder has discharged its annuity liabilities to residents of this state or satisfactorily reinsured the same.

Notwithstanding the preceding provisions for a certificate of authority of indefinite term, each holder of a certificate of authority under this chapter shall owe and pay in advance to the commissioner in lawful money of the United States an annual fee of five dollars ($5) on account of such certificate of authority until its final termination or revocation. Such fee shall be for annual periods commencing on July 1st of each year and ending on June 30th of each year and shall be due on each March 1st and shall be delinquent on and after each April 1st.

SEC. 14. Section 11620 of the Insurance Code is amended to read:

11620. The commissioner, after a public hearing, shall approve or issue a reasonable plan for the equitable apportionment, among insurers admitted to transact liability insurance, of those applicants for automobile bodily injury and property damage liability insurance who are in good faith entitled to but are unable to procure such insurance through ordinary methods. The commissioner shall require the payment of five hundred dollars ($500), in advance, as a fee for the filing of amendments to the plan with the commissioner. The commissioner may approve or issue reasonable amendments to such plan if he first holds a public hearing to determine whether the amendments are in keeping with the intent and purpose of this section. All such insurers shall subscribe to the plan and its amendments and, subject to Section 11621, participate therein.

Notice of the public hearings required by this section shall be published, not less than ten (10) days nor more than thirty (30) days prior to such hearings, in two newspapers of general circulation, one published in the City and County of San Francisco, and the other published in the City of Los Angeles.

SEC. 15. Section 11751.55 is added to the Insurance Code, to read:

11751.55. The commissioner shall require the payment of five hundred dollars ($500), in advance, as a fee for the filing of any revisions or modifications of a statistical plan by a rating organization with the commissioner.

SEC. 16. Section 12221 of the Insurance Code is amended to read:

12221. The commissioner shall not issue a certificate of authority to any motor club until:

(a) It files with him the following:

(1) A formal application for the certificate in such form and detail as the commissioner requires, executed under oath by its president or other principal officer.

(2) A certified copy of its charter or articles of incorporation and its bylaws, if any.

(3) If it is not subject to the Corporate Securities Act, a certificate from the Secretary of State that it has complied with the corporation laws of this state.

(4) If it is subject to the Corporate Securities Act, a certificate from the Corporation Commissioner that it has complied with the requirements of that act.

(b) It pays to the commissioner an annual license fee of one hundred dollars ($100).

(c) It deposits the required cash, securities, or bond with the commissioner.

(d) Its name is approved by the commissioner under the provisions of Section 12194.

SEC. 17. Section 12226 of the Insurance Code is amended to read:

12226. The commissioner shall require the payment of two hundred fifty dollars ($250), in advance, as a fee for filing papers required under Section 12221 and ten dollars ($10), in advance, as a fee for filing any or all amendments to or amendments of such papers filed on any one occasion.

SEC. 18. Section 12973 of the Insurance Code is amended to read:

12973. The commissioner shall require in advance, in lawful money of the United States as a fee for issuing certificates when the fee is not otherwise specified, sums as follows: (a) where there is sufficient demand so that the commissioner in his discretion has prepared a form of the certificate in advance, which requires only the filling in of blanks for completion, five dollars ($5); and (b) for issuing any other certificate, the reasonable cost of preparing and issuing such certificate, but not to exceed fifteen dollars ($15) for the first copy of such certificate and five dollars ($5) for each additional copy thereof.

SEC. 18.5. This act shall not be construed to increase fees or charges paid by underwritten title insurance companies.

SEC. 19. This act is an urgency statute necessary for the immediate preservation of 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 presently exists a shortage in the Insurance Fund with which to defray the necessary expenses to be incurred in the orderly processing of applications for certificates of au-

thority, amendments thereto, annual fees paid by insurers, grants and annuities societies and motor clubs, for issuing certificates and accepting deposits of securities and approving names of insurers. Such processing is necessary to continue, permit and encourage competition, to create insurance facilities to serve the increasing population and to protect the insuring public by affording ways and means for the transaction and servicing of insurance. In order to defray the costs incurred in the administration of the sections enumerated hereinabove, it is necessary that each insurer underwrite an equitable share of such expenses by the payment of the fee prescribed. The expeditious processing of such applications and the efficient operation of the Department of Insurance with respect thereto requires the immediate availability of additional moneys and the uninterrupted availability of funds to provide for such functions. It is therefore necessary that this act go into immediate effect.

CHAPTER 549

An act to amend Sections 1751 and 1811 of, and to add Section 12975.7 to, the Insurance Code, relating to the fees paid to or charged by the Insurance Commissioner, making an appropriation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 1751 of the Insurance Code is amended to read:

1751. The commissioner shall require in advance as a fee for filing the following documents:

(a) Application for registration of change in membership of a copartnership licensed as:

(1) Insurance agent, seven dollars ($7).

(2) Insurance broker, eighteen dollars ($18).

(3) Life agent, resident, seven dollars ($7).

(4) Life agent, nonresident:

(A) In the case of a licensee maintaining an office within 50 miles of the border of the State of California whose normal operation would include the transaction of insurance on both sides of that border, seven dollars ($7).

(B) In all other cases, ten dollars ($10).

(b) Application for endorsement removing from any life agent's, insurance agent's or insurance broker's license issued to an organization the name of any natural person named thereon, two dollars ($2).

(c) First amendment to an application, two dollars ($2); a second and each subsequent amendment to an application, four dollars ($4).

(d) Original application to be given the qualifying examination for a license of a fire and casualty licensee, ten dollars ($10) for each person to be examined.

(e) Original application to be given the qualifying examination for a license of a life licensee, ten dollars ($10) for each person to be examined.

(f) Application for reexamination for any of the licenses mentioned in this section, fifteen dollars ($15) for each person to be reexamined.

(g) Application which includes a request for a certificate of convenience pursuant to Article 8 of this chapter, ten dollars ($10) in addition to, and not in lieu of, fees otherwise required.

(h) Application or request for approval of true or fictitious name pursuant to Section 1724.5 of this chapter, five dollars ($5), except that there shall be no fee when such name is contained in an original application.

(i) "A ratification of appointments of agents" whereby the surviving insurer in a merger or consolidation assumes responsibility for all agents then lawfully appointed for one of the constituent insurers and makes each its agent, fifty dollars ($50).

(j) An application or request for approval of:

(1) A training course pursuant to Section 1689 or 1690, except when filed by a degree-conferring college or university, a public educational institution, or by a private nonprofit educational institution, fifty dollars ($50).

(2) An arrangement whereby an insurer may qualify trainees pursuant to Section 1689 or 1690 by means of an approved course given on the insurer's behalf by a school or organization other than itself, twenty-five dollars ($25).

(k) A broker's bond, pursuant to Article 5 (commencing with Section 1662) of this chapter or Section 1760.5 or 1765, except when such bond constitutes part of an original application filing, five dollars ($5).

(l) An application or request for a copy of, or a duplicate license, issued pursuant to Chapters 5 (commencing with Section 1621), 6 (commencing with Section 1760), 7 (commencing with Section 1800), or 8 (commencing with Section 1831) of this division or Sections 12280 and 12280.2, five dollars ($5).

SEC. 2. Section 1811 of the Insurance Code is amended to read:

1811. For his services in connection with the filing of any application or request for any license under this chapter, the commissioner shall charge and collect the following fees:

(a) For filing an application or request for bail agent's license or bail solicitor's license, twenty-eight dollars ($28).

(b) For filing an application or request for bail permittee's license, one hundred forty dollars ($140).

(c) For filing an application for examination, or reexamination twenty dollars ($20).

(d) For filing each annual notice of intention to keep a license in force or a renewal application, a fee of one-half the amount as that hereinabove specified for filing the application for that license. In the case of a bail agent with more than one valid notice of appointment on file, the fee to be charged pursuant to this subsection shall be the fee provided herein multiplied by the number of insurers whose valid appointments are on file at the date such document is filed unless such bail agent in such document advises the commissioner of his intent to terminate the appointment of one or more such insurers, in which event the fee shall be based upon the number of insurers remaining.

At the time of filing an application for a license, if a qualifying examination is required for issue or in connection with such license, the fee for filing the first application to take the qualifying examination shall be paid at the time of filing application for the license.

(e) For filing application or request for approval of a true or fictitious name pursuant to Section 1724.5, five dollars ($5), except that there shall be no fee when such name is contained in an original application.

(f) For filing a bond required by this chapter, except when such bond constitutes part of an original application, five dollars ($5).

(g) For filing a first amendment to an application, two dollars ($2).

(h) For filing a second and each subsequent amendment to an application, four dollars ($4).

SEC. 3. Section 12975.7 is added to the Insurance Code, to read:

12975.7. All moneys received by the commissioner pursuant to this code shall be transmitted to the State Treasurer to be deposited in the State Treasury to the credit of the Insurance Fund. The money in the Insurance Fund received from the commissioner pursuant to this section is hereby appropriated as follows:

(a) To pay the refunds authorized by this code.

(b) The balance of the money in the fund shall, on order of the Controller, be transferred to the State General Fund.

The procedure herein set forth shall take precedence over all other provisions of this code including but not limited to the provisions of Sections 736, 737, 1061, 12415, 12973.9, 12974, 12975 and 12975.5.

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:

There presently exists a shortage in the Insurance Fund with which to defray the necessary expenses to be incurred in the

orderly processing of applications for licenses, preparation of qualifying examinations, review of statutory penal bonds, and giving notice of legal actions, special proceedings, and other legal processes. Such processing and servicing are necessary to continue, permit, and encourage competition, to create insurance facilities to serve the increasing population, and to protect the insuring public by affording immediate resort to legal processes and statutory safeguards. In order to defray the costs incurred in the administration of the sections enumerated hereinabove, it is necessary that each applicant or licensee underwrite an equitable share of such expenses by the payment of the fees to be prescribed. The expeditious processing of such applications, examinations, approval of bonds, and service of process, and the efficient operation of the Department of Insurance with respect thereto requires the immediate availability of additional moneys and the uninterrupted availability of funds to provide for such functions. It is therefore necessary that this act go into immediate effect.

CHAPTER 550

An act to add Section 1751.3 to the Insurance Code, relating to the fees paid to or charged by the Insurance Commissioner and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 1751.3 is added to the Insurance Code, to read:

1751.3. The commissioner shall require in advance as a fee for filing each notice of appointment pursuant to Section 1707 of any of the following, five dollars ($5):

(a) An insurance agent.

(b) A life agent.

(c) A travel insurance agent.

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 presently exists a shortage in the Insurance Fund of moneys with which to defray the necessary expenses to be incurred in the orderly processing of notices of appointment of life agents, insurance agents and travel insurance agents. Such processing is necessary to continue, permit and encourage competition, to create insurance facilities to serve the increasing population and to protect the insuring public by affording

ways and means for the transaction and servicing of insurance. In order to defray the costs incurred in the administration of the process of handling appointments, it is necessary that each insurer underwrite an equitable share of such expenses by the payment of the fee prescribed. The expeditious processing of such appointments and the efficient operation of the Department of Insurance with respect thereto requires the immediate availability of additional moneys and the uninterrupted availability of funds to provide for such functions. It is therefore necessary that this act go into immediate effect.

CHAPTER 551

An act to amend Section 227 of the Civil Code, relating to the parent-child relationship in adoptions.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 227 of the Civil Code is amended to read:

227. The person or persons desiring to adopt a child, and the child proposed to be adopted, must appear before the court; provided, that if said adoptive parent is then commissioned or enlisted in the military service, or auxiliary thereof, of the United States, or of any of its allies, or in the American Red Cross, so that it is impossible or impracticable, because of such person's absence from the State of California, or otherwise, for said person to make such appearance in person, and said circumstances are established by satisfactory evidence, said appearance may be made for such person by his or her counsel, commissioned and empowered in writing so to do and which said power of attorney may be incorporated in the petition for adoption. The court must examine all persons appearing before it pursuant to this section. The examination of each such person shall be conducted separately but within the physical presence of each such other person or persons unless the court, in its discretion, shall order otherwise. The party or parties adopting shall execute or acknowledge an agreement in writing that the child shall be treated in all respects as the lawful child of the party or parties. If satisfied that the interest of the child will be promoted by the adoption, the court may thereupon make and enter a decree of adoption of the child by the adopting parent or parents, and the child and the adopting parents shall thereupon and thereafter sustain toward each other the legal relationship of parent and child and have all the rights and be subject to all the duties of that relation. In a case where the adopting parent is permitted to

appear by counsel, the agreement may be executed and acknowledged by such counsel for such absent party, or may be executed by such absent party before a notary public, or any other person authorized to take acknowledgements including the persons authorized by Sections 1183 and 1183.5 of this code; provided, that in any case where said adoptive parent is permitted to appear by counsel hereunder, or otherwise, the court may, in its discretion, cause such examination of said adoptive parent, other interested party, or witness to be made upon deposition, as it deems necessary, said deposition to be taken upon commission, as prescribed by the Code of Civil Procedure, and the expense thereof to be borne by the petitioner. The petition, relinquishment, agreement, order, and any power of attorney and deposition must be filed in the office of the county clerk and shall not be open to inspection by any other than the parties to the action and their attorneys and the State Department of Social Welfare except upon the written authority of the judge of the superior court.

The provisions of this section permitting an adoptive parent, who is commissioned or enlisted in the military service, or auxiliary thereof, of the United States, or of any of its allies, or in the American Red Cross, to make an appearance through his or her counsel, commissioned and empowered in writing to do so, are equally applicable to the spouse of such adoptive parent who resides with such adoptive parent outside of this state.

Where, pursuant to this section, neither adoptive parent need appear before the court, the child proposed to be adopted need not appear. If the law otherwise requires that the child execute any document during the course of the hearing, the child may do so by and through counsel. Where none of the parties appear, no order of adoption shall be made by the court until after a report has been filed with the court pursuant to Section 226.6.

CHAPTER 552

An act to amend Section 28508, and repeal Section 28511, of the Vehicle Code, relating to motor vehicle pollution control devices.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 28508 of the Vehicle Code is amended to read:

28508. Whenever a licensed installer in a licensed station, in conformity with the instructions of the department, installs, inspects, or repairs a motor vehicle pollution control device, and determines that the device conforms with the requirements

of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, and the rules and regulations of the State Air Resources Board, a certificate of compliance shall be issued to the owner or driver of the vehicle. The department, for a fee of ten cents ($0.10), shall furnish to the licensed station the certificate of compliance to be issued.

The certificate of compliance shall contain provisions for the date of issuance; the make and registration number of the vehicle; the name of the owner of the vehicle; and the official designation of the station.

It is unlawful for any person, other than a licensed installer in a licensed station, to sign or issue a certificate of compliance as provided for by this chapter.

SEC. 2. Section 28511 of the Vehicle Code is repealed.

CHAPTER 553

An act to add Section 16864 to the Education Code, relating to schoolbuses, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 16864 is added to the Education Code, to read:

16864. The governing board of any school district may use and operate any bus owned or under lease to the district for the transportation of pupils to and from their places of employment during the summer in connection with any summer employment program for youth. The governing board shall require the payment of a reasonable charge for transportation so furnished. The governing board shall, in accordance with Section 1017, adequately insure against the liability of the district, members of the board, and officers and employees of the district in connection with the furnishing of such transportation.

This section shall remain in effect until the 61st day following final adjournment of the 1970 Regular Session of the Legislature, and shall have no force and effect thereafter.

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 authorize the use, operation or lease of schoolbuses to furnish transportation for pupils to and from employment during summer months of 1968, it is necessary that this act take immediate effect.

CHAPTER 554

An act to amend Section 11525.2 of the Business and Professions Code, relating to dedication of land.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 11525.2 of the Business and Professions Code is amended to read:

11525.2. Whether by request of a county board of education or otherwise, a city or county may adopt an ordinance requiring any subdivider who within three years, or less, as prescribed by the ordinance, develops or completes the development of one or more subdivisions, comprised of a single parcel or contiguous parcels having more than 400 dwelling units within a single school district, which maintains an elementary school, to dedicate to the school district, within which such subdivisions are to be located, such land as the local governing body shall deem to be necessary for the purpose of constructing thereon schools necessary to assure the residents of the subdivision adequate elementary school service. Such ordinance shall not be applicable to a subdivider who has owned the land being subdivided for more than 10 years prior to the filing of the tentative maps in accordance with Article 4 (commencing with Section 11550) of this chapter. The requirement of dedication shall automatically terminate unless the school district offers to enter into a binding commitment with the subdivider to accept the dedication within 30 days after the requirement is imposed by the city or county. The required dedication may be made at any time prior to the construction of the 401st dwelling unit. The school district shall, in the event that it accepts the dedication, repay to the subdivider or his successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

(a) The cost of any improvements to the dedicated land since acquisition by the subdivider.

(b) The taxes assessed against the dedicated land from the date demand for dedication is made.

(c) Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

If the land is not used by the school district, as a school site, within 10 years after dedication, the subdivider shall have the option to repurchase the property from the district for the amount paid therefor.

The school district to which the property is dedicated shall record a certificate with the county recorder in the county in

which the property is located. The certificate shall contain the following information:

1. The name and address of the subdivider dedicating the property.

2. A legal description of the real property dedicated.

3. A statement that the subdivider dedicating the property has an option to repurchase the property if it is not used by the school district as a school site within 10 years after dedication.

4. Proof of the acceptance of the dedication by the school district and the date of the acceptance. The certificate shall be recorded not more than 10 days after the date of acceptance of the dedication. The subdivider shall have the right to compel the school district to record such certificate, but until such certificate is recorded, any rights acquired by any third party dealing in good faith with the school district shall not be impaired or otherwise affected by the option right of the subdivider.

"Dwelling unit" as used in this section means a place of residence and may be located in either a single or multiple dwelling unit building.

If any subdivider is aggrieved by, or fails to agree to the reasonableness of any requirement imposed pursuant to this section, he may bring a special proceeding in the superior court pursuant to Section 11525.

CHAPTER 555

An act to amend Section 13458.5 of the Education Code, relating to junior colleges.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 13458.5 of the Education Code is amended to read:

13458.5. Notwithstanding any other provision of this code, the governing board of any district which maintains a junior college may grant a leave of absence under Section 13457 to any employee engaged in a teaching position in grade 13 or 14 who has rendered service to the district for at least six consecutive years preceding the granting of the leave, but not more than one such leave of absence shall be granted in each six-year period. The governing board granting the leave of absence may, subject to the rules and regulations of the State Board of Education, prescribe the standards of service which shall entitle the employee to the leave of absence. No absence from the service of the district under a leave of absence, other than a leave of absence granted pursuant to Section 13457, granted

by the governing board of the district shall be deemed a break in the continuity of service required by this section, and the period of such absence shall not be included as service in computing the six consecutive years of service required by this section. Service under a national recognized fellowship or foundation approved by the State Board of Education, for a period of not more than one year, for research, teaching or lecturing shall not be deemed a break in continuity of service, and the period of such absence shall be included in computing the six consecutive years of service required by this section.

CHAPTER 556

An act to add Section 17302 to the Public Utilities Code, relating to public utility districts.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. The Legislature hereby finds and declares that special facts exist with respect to public utility districts in the Lake Tahoe Basin which require the enactment of Section 17302, applicable only to such districts. The special facts are as follows:

(a) There is an urgent need for immediate action in providing adequate systems of sewer treatment and export facilities in order to prevent the pollution of the waters of Lake Tahoe.

(b) Section 13065 of the Water Code declares the further maintenance or use of cesspools or other private means of sewage or industrial waste disposal to be a public nuisance in any area of a district in the Lake Tahoe Basin in which the district is providing the treatment and transportation facilities specified in Section 2 of this act.

(c) Public entities in the Lake Tahoe Basin, including the City of South Lake Tahoe, have enacted or can be expected to enact ordinances recommended by the Lahontan Regional Water Quality Control Board No. 6, which ordinances include a provision that no sewage, treated or untreated, shall be disposed of within said basin after January 1, 1970.

(d) There exist within said basin developed and developable lands which are within the boundaries of a city but which are not within the boundaries of any public utility district or other entity providing or undertaking to provide the treatment and transportation facilities specified in Section 2 of this act. After January 1, 1970, such lands will become nonusable unless public utility districts in said basin are given the power to annex such lands.

SEC. 2. Section 17302 is added to the Public Utilities Code, to read:

17302. Any district in the Lake Tahoe Basin which is able to provide to incorporated territory contiguous to such district a sewer system and treatment facilities sufficient to handle and treat any resultant sewage and provide transportation facilities sufficient to transport any resultant sewage effluent outside the Lake Tahoe Basin may annex such territory in the manner provided in the District Reorganization Act of 1965 unless the city of which such territory is a part provides or has undertaken to provide such sewer system, treatment and transportation facilities.

CHAPTER 557

An act to amend Sections 2c, 2d, and 3 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to the Los Angeles County Flood Control District.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 2c of the Los Angeles County Flood Control Act (Ch. 755, Stats. 1915) is amended to read:

Sec. 2c. The Civil Service Commission of the County of Los Angeles shall be ex officio the civil service commission of the Los Angeles County Flood Control District and said commission shall perform all of the duties herein prescribed without additional compensation. The district shall reimburse the county for all costs and expenses incurred by reason of the performance of said duties for the district.

SEC. 2. Section 2d of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915) is amended to read:

Sec. 2d. All of the provisions of Article IX and X, Sections 30 to 49 inclusive, of the Charter of the County of Los Angeles, (except Section 32, paragraphs (a), (b), (c), (d) and (e) of Section 33 and Section 37), relating to civil service and the rights of officers and employees, and the rules of the Civil Service Commission of the County of Los Angeles as the same now exist or may hereafter be changed or amended, are hereby adopted by reference, for the purposes of this act; provided, however, that certain words used in said Article IX and X of said county charter and in said rules of the civil service commission shall for the purposes of this act be construed as follows: The word "county" or "Los Angeles County" shall be construed to include the Los Angeles County Flood Control District; the words "commission" and "commissioner" shall

be construed to include the Commission and Commissioner of the Civil Service Commission and Civil Service Commissioner, respectively, of the Los Angeles County Flood Control District.

All persons employed by the Los Angeles County Flood Control District, except as expressly provided by Section 4 of this act, shall be appointed and shall hold his or her respective position and shall be subject to suspension, reduction or discharge in the same manner and under the same terms and conditions as in the case of persons employed in the classified civil service of the County of Los Angeles and shall constitute the classified civil service of the Los Angeles County Flood Control District.

If the Civil Service Commission of the County of Los Angeles finds that any person has been employed by the County of Los Angeles in a classified civil service position of the same grade or class as a similar position in the Los Angeles County Flood Control District, at the request of the Chief Engineer of the Los Angeles County Flood Control District the Los Angeles County Civil Service Commission shall certify said person as being eligible to transfer to and hold said district position with the same status and without further examination, if said person holds said position in the county classified civil service as a result of examination and certification by the county civil service commission. Any person entitled to participate in promotional examinations for positions in the county classified civil service shall similarly be entitled to participate in promotional examinations for positions in the classified civil service of the Los Angeles County Flood Control District, pursuant to county civil service commission rules in effect at the time, and to be certified for said district positions by the county civil service commission and to be appointed to said district positions.

SEC. 3. Section 3 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915) is amended to read:

Sec. 3. The Board of Supervisors of Los Angeles County shall be, and they are hereby designated as, and empowered to act as, ex officio the board of supervisors of said Los Angeles County Flood Control District, and said board of supervisors is hereby authorized to adopt reasonable rules and regulations to facilitate the exercise of its powers and duties herein set forth.

The county counsel, county clerk, county assessor, county tax collector, county auditor, director of personnel, and county treasurer of the County of Los Angeles, and their successors in office, and all other officers of said Los Angeles County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Los Angeles County Flood Control District, and shall respectively perform, unless otherwise provided by said board of supervisors, the same various duties for said district as for said Los Angeles County without additional

compensation in order to carry out the provisions of this act. The district shall reimburse the county for all costs and expenses incurred by reason of the performance of said duties, including the duties performed by members of the board of supervisors, for the district.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors and certified to, recorded and published, in the same manner except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of Los Angeles.

CHAPTER 558

An act to amend Section 19052 of the Government Code, relating to civil service.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 19052 of the Government Code is amended to read:

19052. Whenever a vacancy in any position is to be filled and not by transfer, demotion, or reinstatement, the appointing power shall submit to the board, in accordance with board rules, a statement of the duties of the position, the necessary and desired qualifications of the person to be appointed, and a request that the names of persons eligible for appointment to the position be certified. When the appointing power establishes to the satisfaction of the board that the necessary qualifications for the vacant position include fluency in a language in addition to English only the names of persons possessing such fluency shall be certified.

CHAPTER 559

An act to add Section 50026 to the Government Code and to amend Section 224 of the Labor Code, relating to local taxes on the earnings of employees.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 50026 is added to the Government Code, to read:

50026. The legislative body of any local agency, chartered or general law, which is otherwise authorized by law or charter

to impose any tax on the privilege of earning a livelihood by an employee or any other tax, fee or charge on or measured by the earnings, or any part thereof, of any employee, shall not impose any such tax, fee or charge on the earnings of any employee, when such employee is not a resident of the taxing jurisdiction, unless exactly the same tax, fee or charge at the same rate, with the same credits and deductions, is imposed on the earnings of all residents of the taxing jurisdiction who are employed therein.

This section shall not be construed as authorizing any tax prohibited by Section 17041.5 of the Revenue and Taxation Code or any other provision of law, nor shall it be construed so as to prohibit the levy or collection of any otherwise authorized tax upon a business measured by or according to gross receipts.

SEC. 2. Section 224 of the Labor Code is amended to read:

224. The provisions of Sections 221, 222 and 223 shall in no way make it unlawful for an employer to withhold or divert any portion of an employee's wages when the employer is required or empowered so to do by state or federal law or when a deduction is expressly authorized in writing by the employee to cover insurance premiums, hospital or medical dues, or other deductions not amounting to a rebate or deduction from the standard wage arrived at by collective bargaining or pursuant to wage agreement or statute, or when a deduction to cover health and welfare or pension plan contributions is expressly authorized by a collective bargaining or wage agreement.

Nothing in this section or any other provision of law shall be construed as authorizing an employer to withhold or divert any portion of an employee's wages to pay any tax, fee or charge prohibited by Section 50026 of the Government Code, whether or not the employee authorizes such withholding or diversion.

SEC. 3. The Legislature finds and declares that the right of citizens of California to move freely about the state in search of employment is a matter of statewide interest and concern. Any unneccessary barriers which impede the mobility of citizens of this state or limit their choice of employment are contrary to state policy. An occupation tax on employees measured by income which was not borne equally by residents and nonresidents of a taxing jurisdiction would be such a barrier.

The Legislature is also fully aware of the tendency in recent times of business and industry to locate on the fringes of larger cities or in suburban communities, rather than in the downtown areas of our metropolitan centers. The deterioration of our core cities has made it necessary to initiate massive programs for urban renewal. Although these programs are funded in large part by federal subventions, it would be naive not to recognize that taxpayers throughout the entire State of California make a substantial contribution to the federal funds

subvented. The Legislature believes it would be shortsighted in the extreme for any metropolitan area to accelerate the tendency of business and industry to locate in the suburbs for the short-term benefits to be realized from any discriminatory tax.

CHAPTER 560

An act to amend Sections 74803, 74805, 74806, 74807, and 74808 of the Government Code, relating to the Stockton Municipal Court.

[Approved by Governor July 15, 1968 Filed with Secretary of State July 15, 1968]

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

SECTION 1. Section 74803 of the Government Code is amended to read:

74803. The clerk may appoint:

(a) One deputy clerk who shall be assistant administrative officer and chief deputy.

(b) Five deputy clerks IV.

(c) Five deputy clerks III.

(d) One deputy clerk III (stenographer).

(e) Four deputy clerks II.

(f) Thirteen deputy clerks I.

SEC. 2. Section 74805 of the Government Code is amended to read:

74805. The marshal may appoint:

(a) One assistant marshal.

(b) Four deputy marshals III.

(c) One clerk IV.

(d) One clerk-typist II.

(e) Twenty deputies who shall be custodians at the fee allowed by law for the keeping of property.

SEC. 3. Section 74806 of the Government Code is amended to read:

74806. The following monthly salary schedule shall apply to persons employed in the clerk's office and in the marshal's office:

Salary Schedule

Salary range number	Steps A	B	C	D	E
18	$341	$358	$376	$394	$413
18.5	350	367	385	404	423
19	358	376	394	413	433
19.5	367	385	404	423	444
20	376	394	413	433	454
20.5	385	404	423	444	465
21	394	413	433	454	476

Salary Schedule

Salary range number	Steps A	B	C	D	E
21.5	404	423	444	465	488
22	413	433	454	476	499
22.5	423	444	465	488	512
23	433	454	476	499	524
23.5	444	465	488	512	537
24	454	476	499	524	550
24.5	465	488	512	537	564
25	476	499	524	550	577
25.5	488	512	537	564	592
26	499	524	550	577	606
26.5	512	537	564	592	621
27	524	550	577	606	636
27.5	537	564	592	621	652
28	550	577	606	636	668
28.5	564	592	621	652	685
29	577	606	636	668	701
29.5	592	621	652	685	719
30	606	636	668	701	736
30.5	621	652	685	719	755
31	636	668	701	736	773
31.5	652	685	719	755	792
32	668	701	736	773	811
32.5	685	719	755	792	831
33	701	736	773	811	851
33.5	719	755	792	831	872
34	736	773	811	851	893
34.5	755	792	831	872	915
35	773	811	851	893	937
35.5	792	831	872	915	961
36	811	851	893	937	984
36.5	831	872	915	961	1,009
37	851	893	937	984	1,033
37.5	872	915	961	1,009	1,059
38	893	937	984	1,033	1,084
38.5	915	961	1,009	1,059	1,111
39	937	984	1,033	1,084	1,138
39.5	961	1,009	1,059	1,111	1,167
40	984	1,033	1,084	1,138	1,195
40.5	1,009	1,059	1,111	1,167	1,225
41	1,033	1,084	1,138	1,195	1,255
41.5	1,059	1,111	1,167	1,225	1,286
42	1,084	1,138	1,195	1,255	1,317

SEC. 4. Section 74807 of the Government Code is amended to read:

74807. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the monthly salary schedule con-

tained in Section 74806; except that if the salaries of county employees of San Joaquin County are revised by the adoption of a biweekly salary schedule which increases the salaries of county employees on identically numbered ranges and if the revised salary schedule becomes operative and in force prior to the effective date of the amendments to this section enacted at the 1968 Regular Session of the Legislature, the revised salary schedule shall apply to persons employed in positions authorized by this article on the effective date of the amendments to this section enacted at the 1968 Regular Session of the Legislature but only until 60 days after the final adjournment of the next regular session of the Legislature:

(a) Deputy clerk I ---------- Range 20
(b) Deputy clerk II ---------- Range 22
(c) Deputy clerk III ---------- Range 24
(d) Deputy clerk III (stenographer) ---------- Range 24
(e) Deputy clerk IV ---------- Range 27
(f) Chief deputy clerk ---------- Range 32
(g) Clerk ---------- Range 39
(h) Clerk-typist II ---------- Range 20
(i) Clerk IV ---------- Range 24
(j) Deputy marshal III ---------- Range 28
(k) Assistant marshal ---------- Range 32

Each person employed in the clerk's office or marshal's office on September 20, 1963, including the clerk but not including the marshal, shall receive credit for prior continuous service in office (including service in departments superseded upon the establishment of the municipal court), and shall receive instead of the minimum rate established for his salary range, a salary increased by one step on the range for each full year of prior service up to the maximum step on his salary range.

Subject to the provisions of the San Joaquin County Salary Ordinance, each person employed in the clerk's office or marshal's office, including the clerk but not including the marshal, may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 5. Section 74808 of the Government Code is amended to read:

74808. Certain classifications in the clerk's office and marshal's office are deemed to be equivalent in job and salary level to certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of the comparable classification in the clerk's office or marshal's office, as well as the related classifications hereinafter listed, shall be adjusted an equal number of ranges on the salary schedule. Such adjustments shall be effective on the

same date as the effective date of the action by the board of supervisors as it applies to the county classifications, but such adjustments shall be effective only until 60 days after the final adjournment of the next succeeding regular session of the Legislature.

(a) The classes of deputy clerk I in the clerk's office and clerk-typist II in the marshal's office are equivalent in job and salary level to the class of clerk-typist II in the service of San Joaquin County. Whenever the class of clerk-typist II is adjusted, the classes of deputy clerk I, deputy clerk II, deputy clerk III, clerk-typist II and clerk IV shall be adjusted an equal number of ranges on the salary schedule.

(b) The class of deputy clerk III (stenographer) is equivalent in job and salary to the class of clerk stenographer III in the service of San Joaquin County. Whenever the class of clerk stenographer III is adjusted, the class of deputy clerk III (stenographer) shall be adjusted an equal number of ranges on the salary scale.

(c) The class of deputy clerk IV is equivalent in job and salary level to the class of superior court clerk in the service of San Joaquin County. Whenever the class of superior court clerk is adjusted, the classes of deputy clerk IV, chief deputy clerk and clerk shall be adjusted an equal number of ranges on the salary schedule.

(d) Whenever the salary of the class of deputy sheriff I in the service of San Joaquin County is adjusted, the class of deputy marshal III and assistant marshal shall be adjusted an equal number of ranges on the salary schedule.

CHAPTER 561

An act to add Section 8836.4 to the Fish and Game Code, relating to commercial fishing.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 8836.4 is added to the Fish and Game Code, to read:

8836.4. Notwithstanding Section 8836, trawl nets with meshes which are not less than 5½ inches in length may be used in those portions of Districts 18 and 118.5 between a line running due west from Point Arguello and a line running due south from El Capitan Point in waters of not less than 25 fathoms but in no case in water less than one nautical mile from the nearest point of land on the mainland shore.

This section shall continue in effect until the 61st day following final adjournment of the 1970 Regular Session of the Legislature and thereafter shall have no force or effect.

CHAPTER 562

An act to amend Section 31831.1 of the Government Code, relating to the County Employees' Retirement Law.

[Approved by Governor July 15, 1968 Filed with Secretary of State July 15, 1968]

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

SECTION 1. Section 31831.1 of the Government Code is amended to read:

31831.1. Any member who left county or district service, and became a member of a retirement system established under this chapter in another county or of the Public Employees' Retirement System, may elect deferred retirement pursuant to Article 9 of this chapter, provided that he redeposits, in the retirement fund of the county or district he left, the amount of any refund of contributions and interest he received from such retirement fund plus regular interest thereon from date of such separation, and provided further that he may not, after such election and redeposit, rescind such election or withdraw any of his accumulated contributions while a member of such other system of the county he entered. Upon such election and redeposition as described in this section, the member shall be entitled to the benefits provided in Sections 31830 through 31840, inclusive.

CHAPTER 563

An act to add Section 21200.5 to the Financial Code, relating to pawnbrokers.

[Approved by Governor July 15, 1968 Filed with Secretary of State July 15, 1968]

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

SECTION 1. Section 21200.5 is added to the Financial Code, to read:

21200.5. The maximum charge of compensation charged by a pawnbroker pursuant to the authority of Section 21200 shall be posted in a place clearly visible to the general public.

CHAPTER 564

An act to add Section 26807 to the Government Code, relating to county clerks.

[Approved by Governor July 15, 1968 Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 26807 is added to the Government Code, to read:

26807. The county clerk shall keep an official seal of his office for use when performing official duties other than ex officio duties which shall, when embossed, stamped, impressed or affixed to a certification, show legibly. Such seal shall: (a) be circular in shape; (b) be not less than $1\frac{1}{4}$ inches in diameter; (c) have in the center any words or design adopted by the county clerk; (d) have inscribed around the central words or design, "County Clerk, _____ County, California", inserting therein the name of the county.

Nothing contained herein shall prohibit a county clerk from continuing to use a seal of a design different than that specified herein if such seal has customarily been used prior to the effective date of this section.

CHAPTER 565

An act to add Section 37111.1 to the Government Code, relating to powers of cities.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 37111.1 is added to the Government Code, to read:

37111.1. When a legislative body deems it necessary that land purchased in fee for any municipal purpose and subsequently dedicated by use for park purposes should be used for other municipal purposes, it may adopt an ordinance by a four-fifths vote, after giving notice and conducting a public hearing, declaring the necessity and providing that such lands can be used for other municipal purposes provided that (a) an equal or greater amount of city property has also been acquired within the previous three years and has been dedicated and has been developed, or will within a reasonable period of time be developed, for similar park purposes and (b) the proposed use of the park land conforms to the city's general plan.

This section shall not be applicable to land dedicated for park purposes by a donor or acquired by eminent domain procedures for park purposes or acquired by funds obtained from bonds voted for park purposes.

This procedure is an alternative procedure to any other procedures contained in the law.

CHAPTER 566

An act to amend Sections 12502 and 12503 of the Health and Safety Code, relating to fireworks.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 12502 of the Health and Safety Code is amended to read:

12502. "Fireworks" means toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, fire balloons (balloons of a type which have burning material of any kind attached thereto or which require fire underneath to propel them), firecrackers, torpedoes, skyrockets, rockets, roman candles, daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, but does not include toy pistols, toy canes, toy guns, or other similar devices in which paper caps containing not more than twenty-five hundredths (0.25) grain of explosive compound per cap are used.

SEC. 2. Section 12503 of the Health and Safety Code is amended to read:

12503. "Dangerous fireworks" includes any of the following:

Pyrotechnics or fireworks containing phosphorous, sulphocyanide, mercury, magnesium, potassium picrate, gallic acid, chloride of potash and sulfur or chlorate of potash and sugar;

Firecrackers, salutes and other explosive articles of similar nature;

Skyrockets, rockets, including all similar devices employing any combustible or explosive material and which rise in the air during discharge;

Roman candles, including all devices which discharge balls of fire into the air;

Chasers, including all devices which dart or travel about the surface of the ground during discharge;

Snakes, boa constrictors and snake nests, containing bichloride of mercury;

Sparklers more than 10 inches in length or one-fourth of one inch in diameter;

All articles for pyrotechnic display, which contain gunpowder;

Articles commonly known as son-of-a-gun, devil-on-the-rock, crackit sticks and automatic torpedoes which contain arsenic;

Explosives known as devil-on-the-walk, or any other article of similar character which explodes through means of friction, and all other similar fireworks, unless otherwise designated;

Toy torpedoes of all kinds;

All pyrotechnic devices having a side fuse;

Fire balloons or balloons of any type which have burning material of any kind attached thereto;

Such other fireworks as may be designated as dangerous by the State Fire Marshal with the advice of the State Fire Advisory Board.

The State Fire Marshal, with the advice of the State Fire Advisory Board, may, subject to such restrictions as are deemed necessary, exempt from the provisions of this part specific pyrotechnic items for commercial, industrial, and agricultural uses or for religious ceremonies.

CHAPTER 567

An act to amend Section 25501 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 25501 of the Business and Professions Code is amended to read:

25501. No manufacturer, bottler, importer, or wholesaler of products of the brewing industry shall:

(a) Furnish, give, rent, lend, or sell, directly or indirectly, any equipment, fixtures, or supplies, other than alcoholic beverages, to any person engaged in operating, owning, or maintaining any on-sale premises where alcoholic beverages are sold for consumption on the premises; provided, however, that this subdivision shall not prohibit the furnishing of draft beer pumps and iceboxes to such persons who operate on a temporary basis.

(b) Directly or indirectly, hold the ownership or any interest, by stock ownership or otherwise, in any firm, corporation, partnership, or business, furnishing, supplying, or dealing in any office, store, or restaurant furnishings or equipment, other than signs for interior use or supplies authorized to be given under this division to any person engaged in operating, owning, or maintaining any on-sale premises.

(c) Notwithstanding any provision of this section, the holder of a beer and wine wholesaler's license may manufacture, distribute, and sell any lawful product to any person engaged in operating, owning, or maintaining any on-sale premises where alcoholic beverages are sold for consumption on the premises; provided, however, that such products are sold by the holder of the beer and wine wholesaler's license to the on-sale licensee at a price not less than the current market price for said product.

CHAPTER 568

An act to amend Section 222 of the Civil Code, relating to adoption.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 222 of the Civil Code is amended to read:

222. (a) Except as otherwise provided in subdivision (b), the person adopting a child shall be at least 10 years older than the person adopted.

(b) If the court is satisfied that the adoption of a child by a stepparent is in the best interest of the parties and is in the public interest, it may approve such an adoption without regard to the ages of the child and such adoptive stepparent.

CHAPTER 569

An act to add Section 20897.1 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 20897.1 is added to the Government Code, to read:

20897.1. Notwithstanding anything to the contrary in Section 20897, a local member entitled to prior service credit may elect, at any time within 30 days following the effective date of this section, to receive credit under Section 20897 for war relocation leave occurring prior to the effective date of the contract of his employer upon making the contributions which would have been required had such leave occurred after contract date computed on the basis of the member and employer rate and member's compensation at contract date.

CHAPTER 570

An act to amend Section 74693 of the Government Code, relating to courts.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 74693 of the Government Code is amended to read:

74693. The clerk may appoint:

(a) One assistant municipal court clerk who shall receive a biweekly salary at the rate specified in range 38 of the salary schedule provided in Section 74693.1.

(b) One deputy court clerk grade IV who shall receive a biweekly salary at the rate specified in range 34 of the salary schedule provided in Section 74693.1.

(c) Four deputy court clerks grade III who shall receive a biweekly salary at the rate specified in range 28 of the salary schedule provided in Section 74693.1.

(d) Nine deputy court clerks each of whom shall be either grade I or grade II. Grade II deputy clerks shall receive a biweekly salary at the rate specified in range 22 of the salary schedule in Section 74693.1. Grade I deputy clerks shall receive a biweekly salary at the rate specified in range 15 of the schedule.

CHAPTER 571

An act to amend Sections 10242 and 10245 of the Business and Professions Code, relating to real property loans.

[Approved by Governor July 15, 1968 Filed with Secretary of State July 15, 1968]

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

SECTION 1. Section 10242 of the Business and Professions Code is amended to read:

10242. The maximum amount of expenses, charges and interest to be paid by a borrower with respect to any loan subject to the provisions of this article shall be as follows:

(a) The maximum amount of all costs and expenses referred to in subdivision (a) of Section 10241 shall not exceed four percent (4%) of the principal amount of the loan or one hundred sixty-five dollars ($165), whichever is greater but in no event to exceed two hundred ninety-five dollars ($295), provided that in no event shall said maximum amount exceed actual costs and expenses paid, incurred or reasonably earned.

(b) The maximum amount of the charges referred to in subdivision (b) of Section 10241 shall not exceed the following amounts:

(1) In the case of a loan secured directly or collaterally, in whole or in part by a first trust deed, five percent (5%) of the principal amount of the loan where the term of the loan is a period of less than three (3) years and ten percent (10%) where the term is a period of three (3) years or more.

(2) In the case of a loan secured directly or collaterally by a trust deed other than a first trust deed, five percent (5%) of the principal amount of the loan where the term of the loan is a period of less than two (2) years, ten percent (10%) where the term is a period of two (2) years but

less than three (3) years, and fifteen percent (15%) where the term is a period of three (3) years or more.

(3) With respect to a further advance on a note, the charges shall not exceed the charges for an original loan in the same amount as the further advance and made for a term equal to the remaining term of the note on which the further advance is being made, including any extension thereof.

(c) No loan secured directly or collaterally by a lien on real property shall be made which provides for payment of interest in excess of ten percent (10%) per year as provided by the Section 22 of Article XX of the California Constitution adopted November 6, 1934, and as implemented by the Statutes of 1919, page LXXXIII, known as the "Usury Law" (an initiative measure approved by electors on November 5, 1918).

(d) No interest may be charged with respect to any period prior to the date that the proceeds of the loan are made available to the borrower or are deposited in escrow.

SEC. 2. Section 10245 of the Business and Professions Code is amended to read:

10245. The provisions of this article do not apply to any bona fide loan secured directly or collaterally by a first trust deed, the principal of which is twelve thousand dollars ($12,000) or more, or to any bona fide loan secured directly or collaterally by any lien junior thereto, the principal of which is six thousand dollars ($6,000) or more.

CHAPTER 572

An act to repeal Part 5.3 (commencing with Section 14500) of Division 3 of Title 2 of the Government Code, relating to the Advisory Committee on the Treatment of Rights-of-Way.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Part 5.3 (commencing with Section 14500) of Division 3 of Title 2 of the Government Code is repealed.

CHAPTER 573

An act to amend Section 532 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 532 of the Revenue and Taxation Code is amended to read:

532. Any assessment to which the penalty provided for in Section 504 must be added shall be made within six years after July 1 of the assessment year in which the property escaped taxation or was underassessed. Any other assessment made pursuant to Article 3 or Article 4 of this Chapter 3 shall be made within four years after July 1 of the assessment year in which the property escaped taxation or was underassessed.

Any assessment made pursuant to Article 3 (commencing with Section 501) of this chapter or made pursuant to this article shall not create or impose a lien or charge on such real property for such assessment or any penalty or interest if (1) such real property has been transferred or conveyed to a bona fide purchaser for value prior to the date of such assessment and the showing thereof on the secured roll with the date of entry specified thereon, or (2) such real property is subject to a lien of a bona fide encumbrance for value created and attaching prior to the date of such assessment and the showing thereof on the secured roll with the date of entry specified thereon. In such cases the assessor or tax collector may record with the county recorder of any county a certificate which shall set forth the name of the person who would have been the assessee in the year in which such real property escaped assessment and the amount or amounts of any such assessments and penalties. From the date of the recording of such certificate a lien shall be created and attach against any real property owned by such person in the county or counties in which any such certificate may have been recorded which lien shall have the force, effect and priority of a judgment lien.

The tax collector, with the approval of the board of supervisors, may at any time release all or any portion of real property subject to any lien created or attaching by the recording of such a certificate from such lien or subordinate such lien to other liens and encumbrances if he determines that the assessment or taxes are sufficiently secured by a lien on other property belonging to the person named in such a certificate or that the release or subordination will not endanger or jeopardize the collection of such assessment or taxes.

A written certification by the tax collector to the effect that real property subject to any lien imposed by the recording of the certificate as hereinbefore provided has been released from such lien or that such lien has been subordinated to other liens shall be conclusive evidence as to any bona fide purchaser, encumbrancer or lessee that such lien has been released or has been subordinated as set forth in such written certification. Such written certification may be recorded with the county recorder of any county.

CHAPTER 574

An act to add Chapter 9 (commencing with Section 10090) to Part 1 of Division 2 of the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Chapter 9 (commencing with Section 10090) is added to Part 1 of Division 2 of the Insurance Code, to read:

CHAPTER 9. BASIC PROPERTY INSURANCE INSPECTION AND PLACEMENT PLAN

10090. The purposes of this chapter are to do all of the following:

(a) To assure stability in the property insurance market for residential property located in the State of California.

(b) To assure the availability of basic property insurance as defined by this chapter.

(c) To encourage maximum use, in obtaining basic property insurance, of the normal insurance market provided by admitted insurers.

(d) To provide for the equitable distribution among admitted insurers of the responsibility for insuring qualified property for which basic property insurance cannot be obtained through the normal insurance market by the establishment of a FAIR Plan (fair access to insurance requirements), an industry placement facility and a joint reinsurance association.

10091. Unless the provision or context otherwise requires, the following definitions shall govern the construction of this chapter:

(a) "Association" means a joint reinsurance association consisting of all insurers licensed to write and engaged in writing in this state on a direct basis, basic property insurance or any component thereof in homeowners or other dwelling multiperil policies.

(b) "Commissioner" means the Insurance Commissioner of this state.

(c) "Basic property insurance" means insurance against direct loss to real or tangible personal property at a fixed location used as a dwelling, from perils insured under the standard fire policy and extended coverage endorsement and vandalism and malicious mischief and such other insurance coverages as may be added with respect to such property by the industry placement facility with the approval of the commissioner or by the commissioner, but shall not include insurance on automobile, farm, commercial, and manufacturing risks.

(d) "Inspection bureau" means the fire insurance rating organization designated by the industry placement facility with the approval of the commissioner to make inspections to determine the condition of the properties for which basic property insurance is sought and to perform such other duties as may be authorized by the industry placement facility.

(e) "Industry placement facility," or "facility," means the organization formed by insurers licensed to write and engaged in writing basic property insurance within this state to assist dwelling owners and occupants in securing basic property insurance and to formulate and administer a program for the equitable apportionment among such insurers of such basic property insurance.

(f) "Premiums written" means gross direct premiums charged with respect to dwelling property in this state on all policies of basic property insurance and the basic property insurance premium components of homeowner and other dwelling multiperil policies, less return premiums, dividends paid or credited to policyholders, or the unused or unabsorbed portions of premium deposits.

10092. This chapter shall not apply to county mutual fire insurers nor to fraternal fire insurers.

10093. (a) Any person having an insurable interest in real or tangible personal property at a fixed location used as a dwelling who, after diligent effort, has been unable to obtain basic property insurance through normal channels from an admitted insurer, shall be entitled upon application to the facility to an inspection of the property by representatives of the inspection bureau.

(b) The manner and scope of the inspection and the form of the inspection report shall be prescribed by the facility with the approval of the commissioner. The inspection shall include, but need not be limited to, pertinent structural and occupancy features as well as the general condition of the building and surrounding structures. A representative photograph of the property may be taken as part of the inspection.

(c) Promptly after the request for inspection is received, an inspection shall be made and an inspection report filed with the company or companies designated by the facility. A copy of the completed inspection report shall be sent to the facility and to the applicant upon request.

10094. Within 30 days after the effective date of this chapter, with the approval of the commissioner, all insurers licensed to write and engaged in writing in this state, on a direct basis, basic property insurance or any component thereof in homeowners or other dwelling multiperil policies, shall establish an industry placement facility to formulate and administer a program for the equitable apportionment among such insurers of basic property insurance which may be afforded persons having an interest in real or tangible personal property at a fixed location used as a dwelling who, after diligent effort, are unable to procure such insurance through

normal channels from an admitted insurer. Each such insurer, as a condition of its authority to transact such kinds of insurance in this state, shall participate in such industry placement facility program in accordance with rules to be established by a governing committee consisting of five insurers elected annually in the manner to be provided in the program. The governing committee may establish separate classifications of written premiums for the purpose of equitable distribution but shall not include premiums from automobile, farm, commercial, or manufacturing risks. The program may also provide, with the approval of the commissioner, for assessment of all members in amounts sufficient to operate the facility, and may establish maximum limits of liability to be placed through the program, reasonable underwriting standards for determining insurability of a risk, and commission to be paid to the licensed producer designated by the applicant.

10095. (a) Within 30 days following the effective date of this chapter, the association shall submit to the commissioner, for his review, a proposed plan of operation, consistent with the provisions of this chapter, creating an association consisting of all insurers licensed to write and engaged in writing in this state, on a direct basis, basic property insurance or any component thereof in homeowners or other dwelling multiperil policies. Every such insurer shall be a member of the association and shall remain a member as a condition of its authority to transact such kinds of insurance in this state.

(b) The proposed plan shall authorize the association to assume and cede reinsurance on risks written by insurers in conformity with the program.

(c) Under the plan, each insurer shall participate in the writings, expenses, profits and losses of the association in the proportion that its premiums written during the second preceding calendar year bear to the aggregate premiums written by all insurers in the program, excluding that portion of the premiums written attributable to the operation of the association.

(d) The plan shall provide for administration by a governing committee under rules to be adopted by it with the approval of the commissioner. Voting on administrative questions of the association and facility shall be weighted in accordance with each insurer's premiums written during the second preceding calendar year as disclosed in the reports filed by the insurer with the commissioner.

(e) The plan shall be subject to the approval of the commissioner and shall go into effect upon the tentative approval of the commissioner. The commissioner may, at any time, withdraw his tentative approval or he may, at any time after he has given his final approval revoke such approval if he feels it is necessary to carry out the purposes of the chapter. The withdrawal or revocation of such approval shall not affect the validity of any policies executed prior to the date of such withdrawal. If the commissioner disapproves or withdraws or

revokes his approval to all or any part of the plan of operation, the association shall within 30 days, submit for review an appropriately revised plan or part thereof, and, if the association fails to do so, or if the revised plan so filed is unacceptable, the commissioner shall promulgate such a plan of operation or part thereof as he may deem necessary to carry out the purpose of this chapter.

(f) The association may, on its own initiative or at the request of the commissioner, amend the plan of operation, subject to approval by the commissioner, who shall have supervision of the inspection bureau, the facility and the association. The commissioner or any person designated by him, shall have the power of visitation of and examination into the operation and free access to all the books, records, files, papers, and documents that relate to operation of the facility and association, and may summon, qualify and examine as witnesses all persons having knowledge of such operations including officers, agents or employees thereof.

10096. (1) Any applicant or affected insurer shall have the right of appeal from any act or decision of either the facility or the association to the governing committee. A decision of the committee may be appealed to the commissioner within 30 days after such decision Upon such appeal the commissioner may make any order to implement the purposes of the chapter and the plan.

(2) All orders or decisions of the commissioner made pursuant to this chapter shall be subject to judicial review.

10097. There shall be no liability on the part of, and no cause of action of any nature shall arise against the insurers, the inspection bureau, the facility, the association, the governing committee, their agents or employees, or the commissioner or his authorized representatives, with respect to any inspections required to be undertaken by this chapter or for any acts or omissions in connection therewith, or for any statements made in any reports and communications concerning the insurability of the property, or in the findings required by the provisions of this chapter, or at the hearings conducted in connection therewith. The reports and communications of the inspection bureau, the facility, the association, and the records of the governing committee shall not be considered public documents.

10098. Acceptance of risks assigned under this chapter and performance of any act required by this chapter is a condition of the right to continue to hold a certificate of authority to transact insurance business in this state. All insurers, on and after the effective date of this chapter, by continuing to hold a certificate of authority to transact insurance business shall be deemed to have consented to the responsibilities imposed by this chapter.

10099. In addition to any powers conferred upon him by this or any other law, the commissioner is authorized to do all things necessary to enable the State of California and any

insurer participating in any program approved by the commissioner to fully participate in any federal program of reinsurance which may be hereafter enacted for purposes similar to the purposes of this chapter.

10100. The commissioner may require such reports from insurers concerning risks insured under any program approved pursuant to this chapter as he shall deem necessary to effect the purposes of this chapter.

10100.1. The facility, subject to the approval of the Insurance Commissioner, may provide for the equitable distribution of risks provided for in this chapter by means of assignment to individual members of such facility or by a pool or association of insurers participating in such facility.

10101. This chapter shall cease to be of any force or effect on July 1, 1970, unless extended by statute; provided that obligations incurred by the joint underwriting association, established pursuant to the provisions of this chapter, and policies issued by its members shall not be impaired by the expiration of this chapter, and such association shall be continued for the purpose of performing such outstanding obligations.

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 a serious threat of the mass cancellation of fire and extended coverage insurance in urban and brush fire areas. Immediate legislation is necessary to insure the availability of insurance for these areas and any delay in the effective date of this legislation would cause valuable property to be uninsured with resulting risk of financial loss and hardship to many citizens of the state. It is, therefore, imperative that this act take effect immediately.

CHAPTER 575

An act to amend Sections 51244 and 51286 of the Government Code, relating to the California Land Conservation Act of 1965.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 51244 of the Government Code is amended to read:

51244. Each contract shall be for an initial term of 10 years. Each contract shall provide for renewal options so that on the anniversary date of the contract or such other annual date as specified by the contract a year shall be added automatically to the initial term unless notice of nonrenewal is given as provided in Section 51245.

If neither party to the contract serves a written notice of nonrenewal as provided in Section 51245, the clerk of the board of supervisors or of the city council, as the case may be, shall cause a notice of renewal and the new termination date to be recorded with the county recorder and from and after the time of such recording shall constitute such notice to all persons as is afforded by the recording laws of this state.

SEC. 2. Section 51286 of the Government Code is amended to read:

51286. Notice of cancellation of any contract, executed by the city or county and the Director of Agriculture, shall be recorded by the clerk of the board of supervisors or of the city council, as the case may be, with the county recorder. It shall thereafter be conclusively presumed in favor of any bona fide purchaser or encumbrancer that there has been compliance with all the provisions of this article to cancel such contract.

CHAPTER 576

An act to amend Section 1181 of the Civil Code and Section 40814 of the Government Code, relating to city clerks.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

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

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

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

SEC. 2. Section 40814 of the Government Code is amended to read:

40814. The city clerk and his deputies may administer oaths or affirmations and take and certify affidavits and depositions pertaining to city affairs and business which may be used in any court or proceedings in the state. The acknowledgment of an instrument may be made before a city clerk and his deputies within the city in which they were elected or appointed.

CHAPTER 577

An act to amend Section 28128 of the Government Code, relating to county salaries.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 28128 of the Government Code is amended to read:

28128. In a county of the 28th class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

(a) The auditor, eleven thousand one hundred twenty dollars ($11,120) a year.

(b) The district attorney, eighteen thousand dollars ($18,000) a year, which is in full for all services performed by him as district attorney. He shall devote his entire time during office hours to the duties of his office, and shall not engage in private law practice during his term of office.

(c) Each supervisor, six thousand dollars ($6,000) a year, which is in full for all services performed by him as supervisor. Each supervisor shall be allowed one hundred dollars ($100) a month as an allowance for mileage traveled within the county in attending the meetings of the board of supervisors and in performing other duties as supervisor, which shall be paid on the first day of each month irrespective of the number of miles traveled within the county. If it is necessary for a supervisor to travel outside the county on official matters pertaining to his duties as supervisor, he shall receive actual and necessary expenses and mileage, and shall file a demand in the same manner as other county officers. Each supervisor may use an automobile provided and maintained by the county in connection with the performance of official duties within and without the county. If an automobile is furnished at county expense, it is in lieu of mileage, except if the automobile is not available at all times through accident or otherwise, mileage at the rate of ten cents ($0.10) a mile shall be allowed during the period of nonavailability. If a supervisor is not furnished an automobile at county expense and it is necessary for him to travel outside the county on official business and transportation is not furnished by common carrier, mileage at the rate of ten cents ($0.10) a mile for all mileage actually traveled outside the county shall be paid.

(d) Grand jurors, for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations shall receive five dollars ($5) per day and fifteen cents ($0.15) for each mile actually and necessarily traveled from their residences to the places of service, in going only.

Trial jurors in superior and justice courts, in civil and criminal cases, shall receive compensation and mileage as provided by law; provided, nevertheless, that the fees of all trial jurors in all civil cases shall be paid by the litigants as other costs are paid.

As additional compensation and salary to the officers mentioned in this section, the county shall pay one-third of the insurance premium for group life, accident, and health insurance, if such officers are covered by group insurance.

SEC. 2. Notwithstanding Sections 28160 and 53071 of the Government Code, the salary increase granted to the board of supervisors by the amendment of Section 28128 of the Government Code at the 1968 Regular Session of the Legislature shall not become effective until a supervisor shall have entered upon a new term of office on such board after the effective date of this act.

CHAPTER 578

An act to amend Sections 337a and 337i of the Penal Code, relating to bookmaking.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 337a of the Penal Code is amended to read:

337a. Every person,

1. Who engages in pool-selling or bookmaking, with or without writing, at any time or place; or

2. Who, whether for gain, hire, reward, or gratuitously, or otherwise, keeps or occupies, for any period of time whatsoever, any room, shed, tenement, tent, booth, building, float, vessel, place, stand or enclosure, of any kind, or any part thereof, with a book or books, paper or papers, apparatus, device or paraphernalia, for the purpose of recording or registering any bet or bets, or any purported bet or bets, or wager or wagers, or any purported wager or wagers, or of selling pools, or purported pools, upon the result, or purported result, of any trial, or purported trial, or contest, or purported contest, of skill, speed or power of endurance of man or beast, or between men, beasts, or mechanical apparatus, or upon the result, or purported result, of any lot, chance, casualty, unknown or contingent event whatsoever; or

3. Who, whether for gain, hire, reward, or gratuitously, or otherwise, receives, holds, or forwards, or purports or pretends to receive, hold, or forward, in any manner whatsoever, any money, thing or consideration of value, or the equivalent or memorandum thereof, staked, pledged, bet or wagered, or to be staked, pledged, bet or wagered, or offered for the purpose of being staked, pledged, bet or wagered, upon the result, or purported result, of any trial, or purported trial, or contest,

or purported contest, of skill, speed or power of endurance of man or beast, or between men, beasts, or mechanical apparatus, or upon the result, or purported result, of any lot, chance, casualty, unknown or contingent event whatsoever; or

4. Who, whether for gain, hire, reward, or gratuitously, or otherwise, at any time or place, records, or registers any bet or bets, wager or wagers, upon the result, or purported result, of any trial, or purported trial, or contest, or purported contest, of skill, speed or power of endurance of man or beast, or between men, beasts, or mechanical apparatus, or upon the result, or purported result, of any lot, chance, casualty, unknown or contingent event whatsoever; or

5. Who, being the owner, lessee or occupant of any room, shed, tenement, tent, booth, building, float, vessel, place, stand, enclosure or grounds, or any part thereof, whether for gain, hire, reward, or gratuitously, or otherwise, permits the same to be used or occupied for any purpose, or in any manner prohibited by subdivisions one, two, three or four of this section; or

6. Who lays, makes, offers or accepts any bet or bets, or wager or wagers, upon the result, or purported result, of any trial, or purported trial, or contest, or purported contest, of skill, speed or power of endurance of man or beast, or between men, beasts, or mechanical apparatus, is punishable by imprisonment in the county jail for a period of not more than one year or in the state prison for a period not exceeding two years.

This section shall apply not only to persons who may commit any of the acts designated in subdivisions one to six inclusive of this section, as a business or occupation, but shall also apply to every person or persons who may do in a single instance any one of the acts specified in said subdivisions one to six inclusive.

SEC. 2. Section 337i of the Penal Code is amended to read:

337i. Every person who knowingly transmits information as to the progress or results of a horserace, or information as to wagers, betting odds, changes in betting odds, post or off times, jockey or player changes in any contest or trial, or purported contest or trial, involving humans, beasts, or mechanical apparatus by any means whatsoever including, but not limited to telephone, telegraph, radio, and semaphore when such information is transmitted to or by a person or persons engaged in illegal gambling operations, is punishable by imprisonment in the county jail for a period of not more than one year or in the state prison for a period not exceeding two years.

This section shall not be construed as prohibiting a newspaper from printing such results or information as news, or any television or radio station from telecasting or broadcasting such results or information as news. This section shall not be so construed as to place in jeopardy any common carrier or its agents performing operations within the scope of a public franchise, or any gambling operation authorized by law.

CHAPTER 579

An act to amend Section 10439 of the Health and Safety Code, relating to birth records after adoption.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 10439 of the Health and Safety Code is amended to read:

10439. All records and information specified in this article, other than the newly issued birth certificate, shall be available only upon the order of the superior court of the county of residence of the adopted child or the superior court of the county granting the order of adoption.

No such order shall be granted by the superior court unless a verified petition setting forth facts showing the necessity of such an order has been presented to the court and good and compelling cause is shown for the granting of the order. The clerk of the superior court shall send a copy of the petition to the State Department of Social Welfare and the department shall send a copy of all records and information it has concerning the adopted person with the name and address of the natural parents removed to the court. The court must review these records before making an order and the order should so state. If the petition is by or on behalf of an adopted child who has attained majority, these facts shall be given great weight, but the granting of any petition is solely within the sound discretion of the court

The name and address of the natural parents shall be given to the petitioner only if he can demonstrate that such name and address, or either of them, are necessary to assist him in establishing a legal right.

CHAPTER 580

An act to amend Section 12885.3 of the Water Code, relating to water development.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 12885.3 of the Water Code is amended to read:

12885.3. Each loan that is made pursuant to Section 12885.2 shall be repayable with interest upon the same terms as are applicable to construction loans that are made pursuant to this chapter, as set forth in Sections 12885.1 and 12885.8, except that each contract which the department enters into for

a loan under this article shall provide for the sale of the interests in lands that are acquired with the loan if, in the department's determination, the construction of the proposed project has not commenced within a period of 10 years from the date of the first disbursement of loan funds under the contract or within any extension of said period that the department may allow shall provide that, under that eventuality, such interests in lands shall be offered for sale within six months from the termination of such 10-year period or of any extension thereof, and shall provide that the proceeds of the sale shall be applied toward the repayment of the principal amount of the loan and toward the payment of the accrued interest thereon. Any remaining proceeds, after deducting administrative costs of the public agency in the purchase and sale of the interests in lands shall be repaid to the state.

CHAPTER 581

An act to repeal Section 4805 of the Penal Code, relating to publication of pardon application.

[Approved by Governor July 15, 1968. Filed with Secretary of State July 15, 1968.]

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

SECTION 1. Section 4805 of the Penal Code is repealed.

CHAPTER 582

An act to amend Section 25400 of the Vehicle Code, relating to motor vehicle lamps or devices, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 25400 of the Vehicle Code is amended to read:

25400. (a) Any vehicle may be equipped with a lamp or device on the exterior of the vehicle that emits a diffused nonglaring light of not more than 0.05 candela per square inch of area.

(b) Any diffused nonglaring light shall not display red to the front, but may display other colors. A diffused nonglaring light shall not resemble nor be installed within 12 inches or in such position as to interfere with the visibility or effectiveness

of any required lamp, reflector, or other device upon the vehicle.

(c) A diffused nonglaring lamp or device, other than a display sign authorized by subdivision (d), shall be limited in size to an area of 720 square inches and where any lease, rental, or donation is involved the installation of the lamp or device shall be limited to those vehicles operated either primarily within business or residential districts or municipalities, or between business districts, residential districts, and municipalities in close proximity.

(d) An internally illuminated sign emitting not more than 0.25 candela per square inch and possessing copy which does not contain a white background may be displayed on each side, but not on the front or rear, of a trolley coach or of a bus being operated in urban or suburban service as described in Section 35107 of this 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:

Various transit districts, transit authorities, cities, and wholly owned nonprofit corporations owned by cities, must obtain additional revenues to enable them to continue to provide vitally necessary transportation services to the communities or areas in which they operate. This statute, by permitting the buses operated by these entities to be equipped with a new type of display sign will enable these entities to secure additional revenues from display signs on their buses. In order that these revenues may become available without delay, it is imperative that this statute take effect immediately.

CHAPTER 583

An act to amend Sections 69892.1, 69894.1, and 69894.2 of the Government Code, relating to superior courts.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 69892.1 of the Government Code is amended to read:

69892.1. The superior court in any county with a population of over 4,000,000 as determined by the 1960 federal census shall appoint an executive officer who shall hold office at the pleasure of the court and shall exercise such administrative powers and perform such other duties as may be required of him by the court. The court shall fix the qualifications of such executive officer and may delegate to him any administrative

powers and duties as are now or may hereafter by law be vested in or required to be exercised by such court. The executive officer shall prepare an annual report and such other reports as may be directed by the court. The annual salary of the executive officer shall be as provided in Section 69894.1. He shall be allowed actual traveling and other necessary expenses while engaged in the discharge of the duties of his office.

SEC. 2. Section 69894.1 of the Government Code is amended to read:

69894.1. In each county with a population of over 6,000,000 a majority of the judges of the superior court may appoint the following officers and employees whose salaries shall be:

Number	Title	Schedule
9	Accounting clerk	30
1	Administrative analyst	53
14	Administrative secretary	38
1	Assistant jury commissioner	55
1	Assistant executive officer	69
1	Assistant personnel officer	51
1	Assistant supervising counselor, mental health	57
1	Assistant supervising traffic hearing officer	57
2	Chief clerk	45
45	Clerk I	22
65	Clerk II	26
50	Clerk III	32
2	Clerk IV	39
15	Conciliation counselor	57
28	Counselor	47
30	Court commissioner	75
205	Court reporter	57
1	Court reporter assignment clerk	38
1	Court statistician	47
1	Criminal courts coordinator	57
1	Driver-messenger	30
1	Duplicating and mail unit supervisor	33
2	EDP assistant programmer analyst	44
2	EDP programmer analyst	52
1	Executive assistant	57
1	Executive officer	82
1	Executive secretary	48
1	Finance officer	54
1	Intermediate tabulating machine operator	35
10	Interpreter	30
1	Jury commissioner	61
3	Jury interviewer	40
1	Jury qualification supervisor	44
25	Juvenile traffic hearing officer	51
5	Key punch operator	26
14	Law clerk	44
5	Legal research assistant	38

Number	Title	Schedule
27	Legal secretary	34
1	Master calendar assistant	48
1	Offset duplicator operator	28
1	Payroll records supervisor	39
1	Personnel officer	55
3	Principal counselor	55
6	Probate checker	38
15	Probate attorney	63
1	Procurement assistant	35
1	Property and services coordinator	43
4	Property custodian-auditor	31
30	Referee	69
1	Research attorney	63
1	Secretary and assignment clerk	34
1	Secretary to executive officer	43
1	Senior administrative assistant	47
20	Senior counselor	51
30	Senior judicial secretary	36
10	Senior juvenile traffic hearing officer	53
2	Senior key punch operator	29
1	Senior property custodian-auditor	37
12	Senior stenographic secretary	41
1	Supervising conciliation counselor	65
1	Supervising counselor, mental health	65
1	Supervising judicial secretary	48
1	Supervising juvenile traffic hearing officer	61
1	Supervising probate attorney	67
1	Supervising referee	72

Whenever a reference to a numbered salary schedule is made in this section that found in the salary ordinance of the County of Los Angeles shall apply. Reduction of the schedule applicable to a class by reason of the adoption of this salary plan or subsequent reclassification of positions for organizational purposes shall not result in a lower salary rate to incumbents of such positions. The court is authorized to regulate by rule the status of employees so affected.

All personnel appointed pursuant to this article shall serve at the pleasure of the court and may at any time be removed by the court in its discretion.

SEC. 3. Section 69894.2 of the Government Code is amended to read:

69894.2. With the approval of the board of supervisors the court may establish such additional titles and pay rates as are required and with the approval of the board of supervisors may appoint and employ such additional commissioners, officers, assistants and other employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon it and its members. Rates of compensation of all officers, assistants and other employees may be ad-

justed by joint action and approval of the board of supervisors and a majority of the judges of the court.

Such appointments or changes in compensation made pursuant to this section shall be on an interim basis and shall expire 90 days after the adjournment of the next regular session of the Legislature unless ratified at such session.

CHAPTER 584

An act to amend Sections 74132, 74134, 74135, 74136, 74137, 74138, and 74139 of the Government Code, relating to municipal courts of Riverside County.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 74132 of the Government Code is amended to read:

74132. (a) Each clerk and marshal and each of their respective assistants, deputies and other employees shall receive a salary computed upon a biweekly rate in accordance with the range, or half-range, and step for his position specified in or pursuant to this article, as determined by the following salary schedule:

Range No.	Step 1	Step 2	Step 3	Step 4	Step 5
32	147.20	155.20	164.00	172 80	182.40
32.5	151.20	159.20	168.00	177.60	187.20
33	155.20	164.00	172.80	182.40	192.00
33.5	159.20	168.00	177.60	187.20	196.80
34	164.00	172.80	182.40	192.00	202.40
34.5	168.00	177.60	187.20	196.80	208.00
35	172.80	182.40	192.00	202.40	213.60
35.5	177.60	187.20	196.80	208.00	219.20
36	182.40	192.00	202.40	213.60	225.60
36.5	187.20	196.80	208.00	219.20	231.20
37	192.00	202.40	213.60	225.60	237.60
37.5	196.80	208.00	219.20	231.20	244.00
38	202.40	213.60	225.60	237.60	251.20
38.5	208.00	219.20	231.20	244.00	257.60
39	213.60	225.60	237.60	251.20	264.80
39.5	219.20	231.20	244.00	257.60	272.00
40	225.60	237.60	251.20	264.80	280.00
40.5	231.20	244.00	257.60	272.00	287.20
41	237.60	251.20	264.80	280.00	295.20
41.5	244.00	257.60	272.00	287.20	303.20
42	251.20	264.80	280.00	295.20	312.00
42.5	257.60	272.00	287.20	303.20	320.80

Range No.	Step 1	Step 2	Step 3	Step 4	Step 5
43	264.80	280.00	295.20	312.00	329.60
43.5	272.00	287.20	303 20	320.80	338 40
44	280 00	295.20	312.00	329.60	348.00
44.5	287.20	303.20	320.80	338.40	357.60
45	295.20	312.00	329.60	348.00	367.20
45.5	303.20	320.80	338.40	357.60	377.60
46	312.00	329.60	348.00	367.20	388.00
46.5	320.80	338.40	357.60	377.60	398.40
47	329.60	348.00	367.20	388.00	409.60
47.5	338.40	357.60	377.60	398.40	420.80
48	348.00	367.20	388.00	409.60	432.80
48.5	357.60	377.60	398.40	420.80	444.80
49	367.20	388.00	409.60	432.80	456.80
49.5	377.60	398.40	420.80	444.80	469.60
50	388.00	409.60	432.80	456.80	482.40
50.5	398.40	420.80	444.80	469.60	496.00
51	409.60	432.80	456.80	482.40	509.60
51.5	420.80	444.80	469.60	496.00	524.00
52	432.80	456.80	482.40	509.60	538.40

(b) Except as otherwise provided in this article, each new officer or employee shall for the first 13 full biweekly periods of continuous service receive a salary at the rate specified for step 1 of the applicable range; on the first day of the next biweekly period thereafter, his salary shall increase to the rate for step 2; after 26, 52 and 78 additional biweekly periods of continuous service, his salary shall increase to the rates for steps 3, 4 and 5, respectively.

(c) Notwithstanding any other provisions of law, until 60 days after the adjournment of the next regular session of the Legislature, the salary of any officer or employee may, upon approval by the board of supervisors, be increased or decreased within the limits of the applicable range and two ranges above or below said limits, in order to provide compensation that is comparable to that of county employees of similar qualifications and experience, holding equal or comparable positions in the Riverside County classified service, as the comparability is determined by the board. Subject to the foregoing limitations as to time, the board of supervisors may allow such additional appointive positions in the classes of positions specified in this article as in said board's judgment are necessary to perform the work of the offices of each clerk and marshal.

(d) Such officers and employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, and may be appointed, promoted, demoted, terminated or transferred, or their status otherwise adjusted, in the same manner and with the same effect as is or may be provided by the cur-

rent salary ordinances of Riverside County for other employees of the county, and they shall be subject to such employment qualifications as may be fixed by or pursuant to said ordinance for their positions, in the same manner as for other positions in the employment of said county.

SEC. 2. Section 74134 of the Government Code is amended to read:

74134. In the Riverside Judicial District, the salary of the clerk shall be on range 50 and the clerk may appoint:

(a) 1 assistant clerk on range 45.
(b) 3 municipal court clerks II on range 42.
(c) 1 accounting technician II on range 41.5.
(d) 5 municipal court clerks I on range 41.
(e) 3 senior clerks on range 37.5.
(f) 1 account clerk II on range 36.
(g) 1 stenographer clerk II on range 36.
(h) 12 clerks II on range 35.

SEC. 2.5. Section 74135 of the Government Code is amended to read:

74135. In the Riverside Judicial District, the salary of the marshal shall be on range 50 and the marshal may appoint:

(a) 1 assistant marshal on range 46.
(b) 4 deputy marshals II on range 45.
(c) 2 deputy marshals I on range 42.5.
(d) 1 marshal's clerk on range 38.
(e) 2 clerks II on range 35.

SEC. 3. Section 74136 of the Government Code is amended to read:

74136. In the Desert Judicial District, the salary of the clerk shall be on range 50 and the clerk may appoint:

(a) 1 assistant clerk on range 45.
(b) 2 municipal court clerks II on range 42.
(c) 4 municipal court clerks I on range 41.
(d) 1 senior account clerk on range 38 5.
(e) 3 senior clerks on range 37.5.
(f) 9 clerks II on range 35.

SEC. 3.5. Section 74137 of the Government Code is amended to read:

74137. In the Desert Judicial District, the salary of the marshal shall be on range 50 and the marshal may appoint:

(a) 1 assistant marshal on range 46.
(b) 4 deputy marshals II on range 45.
(c) 2 deputy marshals I on range 42.5
(d) 1 marshal's clerk on range 38.
(e) 3 clerks II on range 35.

SEC. 4. Section 74138 of the Government Code is amended to read:

74138. In the Corona Judicial District the salary of the clerk shall be on range 48 and the clerk may appoint:

(a) 1 municipal court clerk I on range 41.
(b) 3 senior clerks on range 37.5.
(c) 1 account clerk II on range 36.

(d) 2 clerks II on range 35.

SEC. 5. Section 74139 of the Government Code is amended to read:

74139. In the Corona Judicial District, the salary of the marshal shall be on range 49 and the marshal may appoint:

(a) 2 deputy marshals II on range 45.

(b) 1 deputy marshal I on range 42.5.

(c) 1 marshal's clerk on range 38.

(d) 1 clerk II on range 35.

SEC. 6. This act shall become operative on January 1, 1969.

CHAPTER 585

An act to add Section 653h to the Penal Code, relating to sound recordings.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 653h is added to the Penal Code, to read:

653h. (a) Every person is guilty of a misdemeanor who:

(1) Knowingly and willfully transfers or causes to be transferred any sounds recorded on a phonograph record, disc, wire, tape, film or other article on which sounds are recorded, with intent to sell or cause to be sold, or to use or cause to be used for profit through public performance, such article on which such sounds are so transferred, without the consent of the owner.

(2) Sells any such article with the knowledge that the sounds thereon have been so transferred without the consent of the owner.

(b) As used in this section, "person" means any individual, partnership, corporation or association; and "owner" means the person who owns the master phonograph record, master disc, master tape, master film or other device used for reproducing recorded sounds on phonograph records, discs, tapes, films or other articles on which sound is recorded, and from which the transferred recorded sounds are directly or indirectly derived.

(c) This section shall neither enlarge nor diminish the right of parties in private litigation.

(d) This section does not apply to any person engaged in radio or television broadcasting who transfers, or causes to be transferred, any such sounds (other than from the sound track of a motion picture) intended for, or in connection with, broadcast transmission or related uses, or for archival purposes.

SEC. 2. If any provision of this act or the application thereof to any person or circumstances is held invalid as being

unconstitutional or preempted by federal law, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 586

An act to amend Section 21207 of the Government Code, relating to Public Employees' Retirement System.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 21207 of the Government Code is amended to read:

21207. If any person entitled to a benefit from this system is a minor who has no guardian of his estate, the board, if within the limits as to amount of payment and value of the minor's estate specified as of the time of payment under the provisions of the Probate Code authorizing payment to a parent of a minor entitled to his custody, may pay it to the person entitled to custody of the minor to hold for the minor, if the person files with the board his verified statement that the total estate of the minor does not exceed the value so specified or, if in excess of such limits, may pay it to the probate court, and the court may order that such money be deposited in a bank or banks, or a trust company or companies, or invested in an account or accounts in an insured savings and loan association or associations, subject to withdrawal only on order of the probate court, or it may require a guardian of the estate to be appointed and the money paid to such guardian, or prescribe such other conditions as the court in its discretion deems to be in the best interest of the minor. Payment so made is a full discharge of the board and this system. The person shall account to the minor for the money when the minor reaches the age of majority.

The terms "account in an insured savings and loan association" and "guardian of the estate" used in this section have the same meaning and effect as provided in Section 1510 of the Probate Code.

SEC. 2. This act shall become operative only if Senate Bill No. 304 is enacted by the Legislature at its 1968 Regular Session, and in such case at the same time as Senate Bill No. 304 takes effect.

CHAPTER 587

An act to amend Sections 11110 and 11161.5 of the Penal Code, relating to mistreatment of children.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 11110 of the Penal Code is amended to read:

11110. The State Bureau of Criminal Identification and Investigation shall maintain records of all reports of suspected infliction of physical injury upon a minor by other than accidental means and reports of arrests for, and convictions of, violation of Section 273a. On receipt from a city police department, sheriff or district attorney of a copy of a report of suspected infliction of physical injury upon a minor by other than accidental means received from a physician and surgeon, dentist, resident, intern, chiropractor, religious practitioner, registered nurse employed by a public health agency, school, or school district, director of a county welfare department, or any superintendent of schools of any public or private school system or any principal of any public or private school, the bureau shall transmit to the city police department, sheriff or district attorney, information detailing all previous reports of suspected infliction of physical injury upon the same minor or another minor in the same family by other than accidental means and reports of arrests for, and convictions of violation of Section 273a, concerning the same minor or another minor in the same family.

The bureau may adopt rules governing recordkeeping and reporting under Section 11161.5.

SEC. 2. Section 11161.5 of the Penal Code is amended to read:

11161.5. In any case in which a minor is brought to a physician and surgeon, dentist, resident, intern, chiropractor, or religious practitioner for diagnosis, examination or treatment, or is under his charge or care, or in any case in which a minor is observed by any registered nurse when in the employ of a public health agency, school, or school district and when no physician and surgeon, resident, or intern is present, by any superintendent of any public or private school system or any principal of any public or private school, and it appears to the physician and surgeon, dentist, resident, intern, chiropractor, religious practitioner, registered nurse, school superintendent, or school principal from observation of the minor that the minor has physical injury or injuries which appear to have been inflicted upon him by other than accidental means by any person, he shall report such fact by telephone and in writing to the local police authority having jurisdiction and to the juvenile probation department. The report shall

state, if known, the name of the minor, his whereabouts and the character and extent of the injuries.

Whenever it is brought to the attention of a director of a county welfare department that a minor has physical injury or injuries which appear to have been inflicted upon him by other than accidental means by any person, he shall file a report as provided in this section.

No physician and surgeon, dentist, resident, intern, chiropractor, religious practitioner, registered nurse or employer, director of a county welfare department, school superintendent, or school principal shall incur any civil or criminal liability as a result of making any report authorized by this section.

Copies of all written reports received by the local police authority shall be forwarded to the State Bureau of Criminal Identification and Investigation. If the records of the Bureau of Criminal Identification and Investigation maintained pursuant to Section 11110 reveal any reports of suspected infliction of physical injury upon the same minor or upon any other minor in the same family by other than accidental means, or if the records reveal any arrest or conviction in other localities for a violation of Section 273a inflicted upon the same minor or any other minor in the same family, or if the records reveal any other pertinent information with respect to the same minor or any other minor in the same family, the local reporting agency and the local juvenile probation department shall be immediately notified of the fact.

Reports and other pertinent information received from the bureau shall be made available to: any licensed physician and surgeon, dentist, resident, intern, chiropractor, or religious practitioner with regard to his patient or client; any director of a county welfare department, school superintendent, or school principal having a direct interest in the welfare of the minor; and any probation department, juvenile probation department, or agency offering child protective services.

CHAPTER 588

An act to add Section 273 to the Health and Safety Code, relating to physically handicapped children.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 273 is added to the Health and Safety Code, to read:

273. A handicapped child placed for adoption, determined to be financially eligible for care at the time of placement, shall not be denied services pursuant to this article based upon the income of the adopting parents, nor shall the adopting parents

be required to enter into any agreement to pay toward the costs of services authorized for such care. The provisions of this section shall only apply to physical handicaps present, and diagnosed, at the time of adoption. Residence, for the purposes of this section, shall be that of the adopting parents.

CHAPTER 589

An act to add Section 35003.1 to the Water Code, relating to California water districts.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 35003.1 is added to the Water Code, to read:

35003.1. A district which provides works for the production, storage, transmission or distribution of water for domestic, industrial or municipal purposes may, by ordinance adopted at least 90 days prior to any district election, determine that voters shall thereafter be ascertained pursuant to this section.

In such event, the last equalized assessment roll of each affected county, corrected to reflect, in the case of transfers of land, those persons who as of the 60th day prior to the election appear as owners on the records in the county assessor's office which the assessor will use to prepare the next ensuing assessor's roll, shall be conclusive evidence of ownership and of the value of the land so owned. Where only a portion of a parcel of land has been transferred, and the assessed value thereof and of the remaining parcel are not separately stated upon the roll, estimated assessed values therefor shall be made by the county assessor, and such estimates shall for the purposes of this section be considered the value of the land.

CHAPTER 590

An act to amend Section 8282 of the Fish and Game Code, relating to crab traps, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 8282 of the Fish and Game Code is amended to read:

8282. North of Point Conception each crab trap may have any number of openings of any size but shall have at least two rigid circular openings of not less than four inches inside diameter so constructed on the top or side of the trap. If side openings are used, one of such openings shall be located so that at least one-half of the opening is in the upper half of the trap.

SEC. 2. Section 8282 of the Fish and Game Code, as amended by Chapter 423 of the Statutes of 1967, is amended to read:

8282. North of Point Conception each crab trap may have any number of openings of any size but shall have at least two rigid circular openings of not less than four inches inside diameter so constructed on the top or side of the trap. If side openings are used, one of such openings shall be located so that at least one-half of the opening is in the upper half of the trap.

SEC. 3. Section 1 of this act shall become operative on the effective date of this act. Section 2 of this act shall become operative on November 1, 1969; at which time Section 8282 of the Fish and Game Code as amended by Section 1 of this act is repealed.

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

In order to protect the welfare of the crab industry it is necessary that provisions affecting the design of crab traps which may be used in certain areas of the state shall go into immediate effect.

CHAPTER 591

An act to amend Section 137.5 of the Civil Code, relating to domestic relations actions.

[Approved by Governor July 16, 1968 Filed with Secretary of State July 16, 1968]

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

SECTION 1. Section 137.5 of the Civil Code is amended to read:

137.5. Whenever the court in any action for annulment, divorce or for separate maintenance or for the custody, support, maintenance and education of children, orders one of the parties to pay costs and attorneys' fees for the benefit of the other for the prosecution or defense of the action, as the case may be, such costs and fees may, in the discretion of the court, be made payable in whole or in part to the attorney entitled thereto. Any such order may be enforced by the court in the manner specified in Section 137.3 of this code, and an order

of the court providing for payment of such costs and fees may be enforced directly by such attorney in his name or by the party at whose request such order was made, provided that if such attorney has ceased to be such, it shall be a condition of such enforcement, and must appear of record, that such attorney shall have given to his former client or successor counsel 10 days' written notice of motion for issuance of writ of execution, and during such period the client may file in such action a motion directed to such former attorney for partial or total reallocation of fees and costs to cover the services and cost of successor counsel, in which event issuance of writ of execution shall be stayed until the court has resolved such motion.

CHAPTER 592

An act to amend Sections 43704, 43850, and 45930 of the Water Code, relating to water storage districts.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 43704 of the Water Code is amended to read:

43704. All findings of fact or conclusions of the department, commission, or board upon all matters shall be conclusive unless the action, proceeding, or contest is instituted within 60 days after the findings or conclusions are made.

SEC. 1.5. Section 43850 of the Water Code is amended to read:

43850. Notwithstanding any other provision of this division, no action, proceeding, or contest shall be brought or maintained before any court or other tribunal unless the action, proceeding, or contest is brought within the times specified in the following subdivisions, or any lesser time that may be specified in this division:

(a) Attacking the organization of any district, within six months of the date of the organization thereof.

(b) Attacking the inclusion of land within or the exclusion of land from any district, within six months of the date of the inclusion or exclusion.

(c) Attacking any assessment of any district, within 60 days of the date upon which the assessment roll is filed with the county treasurer or treasurers.

(d) Attacking the validity of any bonds issued by any district, within 60 days of the date of adoption of the resolution providing for the issuance of such bonds.

SEC. 2. Section 45930 of the Water Code is amended to read:

45930. All acts, proceedings, conclusions and findings of fact by a board of a district shall be conclusive except in an action or proceeding instituted within six months after the acts, proceedings, conclusions or findings were had or made.

CHAPTER 593

An act to amend Sections 74192, 74193, 74194, 74195, and 74197 of the Government Code, relating to courts.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 74192 of the Government Code is amended to read:

74192. There shall be one clerk and administrator who shall be appointed by the judges of the court and who shall be secretary of the court. The clerk and administrator shall receive a monthly salary at a rate specified in Schedule 72 step 3 of Section 74196.

SEC. 2. Section 74193 of the Government Code is amended to read:

74193. The clerk and administrator shall appoint:

(a) One assistant clerk who shall receive a monthly salary at a rate specified in Schedule 53 of Section 74196.

(b) One chief deputy clerk, who shall receive a monthly salary at a rate specified in Schedule 49 of Section 74196.

(c) Three deputy clerks, grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 43 of Section 74196.

(d) One legal stenographer who shall receive a monthly salary at a rate specified in Schedule 36 of Section 74196.

(e) Ten court clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 43 of Section 74196.

(f) Four deputy clerks, grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 39 of Section 74196.

(g) Twenty-two deputy clerks, grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 33 of Section 74196.

(h) Nineteen deputy clerks, grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 26 of Section 74196.

SEC. 3. Section 74194 of the Government Code is amended to read:

74194. There shall be one marshal, who shall be appointed by the judges of the court, and who shall receive a monthly

salary at a rate specified in Schedule 66 step 3 of Section 74196.

SEC. 4. Section 74195 of the Government Code is amended to read:

74195. The marshal shall appoint:

(a) One assistant marshal who shall receive a monthly salary at a rate specified in Schedule 56 of Section 74196.

(b) Nine deputy marshals, who shall be sergeants, each of whom shall receive a monthly salary at a rate specified in Schedule 50 of Section 74196.

(c) Fourteen deputy marshals, bailiffs, each of whom shall receive a monthly salary at a rate specified in Schedule 46 of Section 74196.

(d) One deputy marshal, clerk grade IV, who shall receive a monthly salary at a rate specified in Schedule 43 of Section 74196.

(e) One deputy marshal, clerk grade III, who shall receive a monthly salary at a rate specified in Schedule 39 of Section 74196.

(f) Five deputy marshals, clerk grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 33 of Section 74196.

(g) Two deputy marshals, clerk grade I, who shall receive a monthly salary at a rate specified in Schedule 26 of Section 74196.

SEC. 5. Section 74197 of the Government Code is amended to read:

74197. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of Chapter 8 of Title 8 and the provisions of this article, and in order to equalize the compensation of, and the classification of, employees of the municipal court with the compensation paid to, and the classification of, county employees with commensurate duties and responsibilities, upon recommendation of the judges of the court and with the approval of the Board of Supervisors of the County of Sacramento, an officer or an attaché of the court, whether appointed under the provisions of this article or under Article 4 of Chapter 8 of Title 8, may be paid any compensation in excess of or less than the maximum to which such employee would otherwise be entitled under the schedules set forth in this article and there may also be a reclassification of the position of the employee. Any such salary adjustment or reclassification shall not extend longer than ninety (90) days after the adjournment of the next succeeding regular session of the Legislature after such salary adjustment.

CHAPTER 594

An act to amend Section 1043 of the Probate Code, relating to estates of nonresidents.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 1043 of the Probate Code is amended to read:

1043. An executor or administrator to whom letters are issued on the estate of a nonresident decedent by a court of competent jurisdiction of any state or territory of the United States desiring to collect any claim or receive any personal property in this state of such decedent and remove that collected or received to the jurisdiction in which his letters are issued, shall publish in some newspaper of general circulation published in the county where the debtor resides or the property is located, if there be one, if not, then in some newspaper of general circulation in the county, notice to all persons interested in said estate as creditors or as heirs, legatees or devisees. The notice shall set forth the names and addresses of the decedent and the person in this state indebted to or holding personal property of the decedent, shall state that the executor or administrator desires to collect a claim or receive personal property and remove that collected or received, and shall require all persons having claims against the decedent or an interest in his estate and wishing to object to such removal to give written notice thereof to the person indebted to or holding personal property of the decedent within three months after the first publication of the notice. Publication shall be pursuant to Section 6064 of the Government Code.

Upon the expiration of three months after the first publication of said notice, if the person so indebted to or holding personal property of the decedent either has not received written notice from any person claiming as a creditor, heir, devisee or legatee and objecting to such removal, or has received the consent of such person, then he may pay such debt or deliver such personal property to the executor or administrator, upon receipt of the following:

(1) An affidavit of the executor or administrator that valid letters were issued to him by a court of competent jurisdiction of a named state or territory of the United States on the estate of a nonresident decedent and averring to the best of his knowledge and belief that no other letters on said estate are then outstanding, that no petition for such letters is then pending in this state, that no ancillary proceedings will be brought, and that there are no unpaid creditors of the decedent or the estate in this state who have not consented to such removal;

(2) An authenticated copy of his letters;

(3) Consent to the transfer of the State Controller, or a person authorized by him to issue such consent; and

(4) An affidavit showing publication of the notice required under this section and be discharged from further liability and responsibility for the debt or property, without the necessity of inquiring into the truth of any of the facts stated in the foregoing documents.

"Person" as used herein includes a partnership, association, firm or corporation.

If the person indebted to or holding personal property of the decedent maintains branch offices, the publication shall be in the county where it is located, and the notices and consents by claimants shall be given to, the office or branch at which the account evidencing the indebtedness or credit is carried, or at which the personal property is located or controlled.

CHAPTER 595

An act to amend Section 663 of the Insurance Code, as enacted by Chapter 137 of the Statutes of 1968, and to add Sections 668 and 669 to the Insurance Code, relating to automobile liability insurance.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 663 of the Insurance Code, as enacted by Chapter 137 of the Statutes of 1968, is amended to read:

663. No insurer shall fail to renew a policy unless it shall mail or deliver to the named insured, at the address shown in the policy, at least 20 days' advance notice of its intention not to renew. Such notice shall contain or be accompanied by a statement that upon written request made not later than one month following the termination date of the policy of the named insured mailed or delivered to the insurer, the insurer will notify the insured in writing, within 20 days of his request, the reason or reasons for such nonrenewal; provided, however, that notwithstanding the failure of an insurer to comply with this section, the policy shall terminate on the effective date of any other replacement or succeeding automobile liability insurance policy procured by the insured, with respect to any automobile designated in both policies. This section shall not apply where the named insured has failed to discharge when due any of his obligations in connection with the payment of premiums for the policy, or the renewal thereof, or any installment payments therefor, whether payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit. This section shall not apply in any of the following cases:

(a) If the insurer has manifested its willingness to renew.

(b) In case of nonpayment of premium; provided that, notwithstanding the failure of an insurer to comply with this section, the policy shall terminate on the effective date of any other insurance policy with respect to any automobile designated in both policies.

(c) If the insured's agent or broker has secured other coverage acceptable to the insured at least 20 days prior to the anniversary date of the policy or termination of the policy period.

Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal.

SEC. 2. Section 668 is added to the Insurance Code, to read:

668. Section 663 shall not apply to policies of liability insurance issued pursuant to assigned risk plans.

SEC. 3. Section 669 is added to the Insurance Code, to read:

669. Any insurer willfully violating any provisions of Section 663 is guilty of a misdemeanor and is punishable by a fine of not exceeding five hundred dollars ($500) for each violation thereof.

SEC. 4. This act shall become operative January 1, 1969, and shall apply to policies written or renewed, or which have a renewal anniversary, thereafter. This act shall not apply to or affect the validity of any notice of cancellation mailed or delivered prior to the operative date of this act. This act shall not be construed to affect cancellation of a renewal policy if notice of cancellation is mailed or delivered within 60 days after the operative date of this act, and this act shall not be construed to require notice of intent not to renew any policy which expires less than 30 days after the operative date of this act.

CHAPTER 596

An act to amend Sections 28140 and 28156 and to repeal Section 28156.1 of the Government Code, relating to county salaries.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 28140 of the Government Code is amended to read:

28140. In a county of the 40th class the annual salary of each supervisor is five thousand four hundred dollars ($5,400). Each supervisor shall receive, in addition, mileage at the rate of ten cents ($0.10) a mile for miles actually and necessarily

traveled between his place of residence and the county courthouse, for the purpose of attending regular meetings of the board of supervisors. All other officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county.

Grand jurors shall receive three dollars ($3) a day for each day's attendance and mileage at the rate of fifteen cents ($0.15) a mile for each mile necessarily traveled in attending court, in going only. Trial jurors in the superior and justice courts shall receive three dollars ($3) per day for the first day and six dollars ($6) per day thereafter during that particular trial, with mileage at the rate of eight cents ($0.08) per mile each way. In criminal cases the fees and mileage of the trial jurors in the superior court shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor on the written order of the judge of the court in which the jurors were in attendance, and the treasurer shall pay the warrants.

SEC. 1.5. Section 28156 of the Government Code is amended to read:

28156. In a county of the 56th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, two thousand four hundred dollars ($2,400) a year.

(b) The district attorney five thousand four hundred dollars ($5,400) a year and his necessary traveling expenses, to be allowed by the board of supervisors.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year, for all services rendered as supervisor and member of the board of equalization. He shall also receive twenty cents ($0.20) for each mile traveled one way to board meetings and his actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

(d) For each day's attendance as a grand juror or a trial juror in the superior court, six dollars ($6), and thirty-five cents ($0.35) for each mile actually traveled one way as grand juror or trial juror. The county clerk shall certify to the auditor the number of days' attendance, and the number of miles traveled by each juror. The auditor shall draw his warrant therefor and the treasurer shall pay the warrant.

SEC. 2. Section 28156.1 of the Government Code is repealed.

SEC. 3. Notwithstanding Sections 28160 and 53071 of the Government Code, the salary increase granted to the members of the board of supervisors by the amendment of Sections 28140 and 28156 of the Government Code at the 1968 Regular Session of the Legislature shall not become effective until a member of such board shall have entered upon a new term of office on such board after the effective date of this act.

CHAPTER 597

An act to add Sections 6.1 and 6.2 to the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057 of the Statutes of 1955), relating to flood control and water conservation.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 6.1 is added to the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057 of the Statutes of 1955), to read:

Sec. 6.1. The district may make and enforce within its boundaries, including both unincorporated and incorporated territory, if any, all necessary and proper ordinances and regulations for:

(a) The protection, control and maintenance of natural and artificial watercourses, drainage structures, dams, reservoirs, levees, water distribution and conservation facilities and rights-of-way therefor or appurtenant thereto.

(b) All other flood control and water conservation purposes consistent with this act and not in conflict with the laws of this state.

SEC. 2. Section 6.2 is added to the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057 of the Statutes of 1955), to read:

Sec. 6.2. Any violation of an ordinance or regulation of the district is a misdemeanor punishable by a fine not to exceed one hundred dollars ($100), or imprisonment not to exceed 30 days, or by both such fine and imprisonment. Any such violation or threatened violation may also be enjoined by civil suit.

CHAPTER 598

An act to amend Section 10 of Chapter 326 of the Statutes of 1968, relating to ballot measures, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 10 of Chapter 326 of the Statutes of 1968 is amended to read:

Sec. 10. Notwithstanding the provisions of Section 3527 of the Elections Code as added by this act, Senate or Assembly

constitutional amendments of the 1968 Regular Session shall be placed on the ballot of the 1968 general election, if adopted by the Legislature on or before July 22, 1968. Assembly Constitutional Amendment 30 if adopted by that date, shall appear as Proposition 1 on the ballot and in the ballot pamphlets.

Arguments on these measures shall be prepared in the manner prescribed in Article 1.8 (commencing with Section 3527) of Chapter 1 of Division 4 of the Elections Code, as added by this act, except that the presiding officer of each house shall appoint voters on or before the fifth day after a constitutional amendment is adopted by the Legislature to prepare arguments for and against such constitutional amendments to be submitted to the Secretary of State within 15 days after their appointment. The arguments prepared by voters shall be used by the Secretary of State only if the corresponding argument by a legislator is not submitted within 15 days after the constitutional amendment is adopted by the Legislature.

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:

It is necessary that this act become effective for the general election in November, 1968.

CHAPTER 599

An act to amend Section 1372 of the Penal Code, relating to detention of insane criminal defendants.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 1372 of the Penal Code is amended to read:

1372. If the defendant is received into the state hospital he must be detained there until he becomes sane. When he becomes sane, the superintendent must certify that fact to the sheriff and district attorney of the county, and the court wherein the defendant's case is pending. The sheriff must thereupon, without delay, bring the defendant from the state hospital, and place him in proper custody until he is brought to trial or judgment, as the case may be, or is legally discharged.

CHAPTER 600

An act to amend Sections 6913.1, 8901, 8951, 8955, 8955.1, and 8955.2 of the Education Code, and to amend Sections 894, 895, 895.6, 895.7, and 895.8 of the Education Code, as proposed by Senate Bill No. 1, relating to special educational programs.

[Approved by Governor July 16, 1968 Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 6913.1 of the Education Code is amended to read:

6913.1. The maximum rate of school district tax for any school year is hereby increased by such amount as the governing board of any school district which maintains or has entered into an agreement with another district or with the county superintendent of schools for educational services or facilities, including the rental of property or purchase of equipment, for mentally retarded minors who come within the provisions of Sections 6902 and 6903 may include in its budget and the board of supervisors shall levy a school district tax necessary to raise such amount. No amounts shall be included in its budget for the purchase or improvement of school sites or the construction of school buildings.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in the tax rate hereby provided, such balance shall be used exclusively in the following fiscal year for the expenditures of the school district during that fiscal year required or authorized for the education of mentally retarded minors who come within the provisions of Sections 6902 and 6903.

SEC. 2. Section 8901 of the Education Code is amended to read:

8901. The county superintendent of schools shall establish and maintain programs for physically handicapped minors who come within the provisions of Section 6801 or 6802, including cerebral palsied, orthopedically handicapped, visually handicapped, or aurally handicapped, and who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools of the districts or in unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the districts, whenever such districts have not provided nor entered into contract with other districts to provide such programs.

Such program shall, with the approval of the county board of education, be provided in one or more of the following ways:

(a) In special schools or classes of elementary and secondary grade and in remedial classes of elementary and secondary grade.

(b) By the employment of emergency teachers to provide special instruction in the regular schools of the districts of the county.

(c) By the maintenance of special classes of secondary grade.

(d) By the employment of home instructors to give individual instruction in the home or at the bedside in institutions, and by the employment of instructors to provide remedial instruction for physically handicapped minors in regular, special day, and special training schools or classes which he may be authorized to conduct, and by the employment of instructors to provide individual instruction for minors with speech disorders or defects who are at least three years of age for the purpose of remedying such speech disorders or defects.

(e) By cooperation with the Department of Rehabilitation in the provision of individual instruction and coordination services.

(f) By contract with the county superintendent of schools of another county or with the governing board of any school district.

(g) In integrated programs of instruction of elementary or secondary grade.

(h) By the employment of instructors to provide individual instruction, subject to the provision of Section 6812, in schools or in the homes of minors who are deaf or hard of hearing, as determined by the State Board of Education, and between the ages of three and six years of age.

The county superintendent of schools may establish and maintain programs for the physically handicapped minors who come within the provisions of Section 6801 or 6802 and who reside in any district within the county with the approval of the county board of education and the agreement of the local governing board of the school district. Such programs may be carried out in accordance with subdivisions (a), (c), (g), and (h).

Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. In an instance where it would be impractical because of the transportation distances existing to bring a sufficient number of physically handicapped minors within the meaning of Section 6801 or 6802 together in one place to form a school or special class, the county superintendent of schools, upon the annual approval of the Superintendent of Public Instruction, may defer compliance with the provisions of this section for the year in question.

Any elementary or unified school district which has an average daily attendance of less than 8,000 in the elementary schools of the district and any unified or high school district which has an average daily attendance of less than 8,000 in the high schools of the district, with the approval of the county superintendent of schools, may establish and maintain pro-

grams for the physically handicapped who come within the provisions of Section 6801 or 6802.

The county superintendent of schools required to provide for the education of physically handicapped minors residing in the county who come within the provisions of Section 6801 or 6802 may, with the approval of the Superintendent of Public Instruction, enter into agreements with an elementary, unified, or high school district for the latter to provide for the education of such physically handicapped minors.

SEC. 3. Section 8951 of the Education Code is amended to read:

8951. (a) The county superintendent of schools shall establish and maintain special training schools or classes for mentally retarded minors who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 901 in the elementary schools of the district and who come within the provisions of Section 6902. Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. The district shall pay to the county school service fund of the county in which the district is located all costs of the education of such minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors.

Any elementary or unified school district which has an average daily attendance of less than 901 in elementary schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded minors who come within the provisions of Section 6902.

(b) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 6902 and contract with an elementary or unified school district with an average daily attendance of 901 or more in the elementary schools of the district, or with a high school district with an average daily attendance of less than 901, subject to such terms and conditions as may be agreed upon The contract shall be approved by the county board of education and shall require the district to pay to the county school service fund of the county in which the district is located all costs of the education of such minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors.

Whenever a special training school or class is established under the provisions of this subdivision, the computations prescribed by Sections 17658 and 17663, or Sections 17658.1 and 17663.1, whichever are in effect, shall not apply.

(c) The county superintendent of schools shall establish and maintain special training schools or classes for mentally retarded minors who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools of the district and in unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the district and who come within the provisions of Section 6903. Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. In an instance where it would be impracticable because of the transportation distances existing to bring a sufficient number of mentally retarded minors, within the meaning of Section 6903, together in one place to form a special training class, the county superintendent of schools upon the annual approval of the Superintendent of Public Instruction may defer compliance with the provisions of this section for the year in question.

Any elementary or unified school district which has an average daily attendance of less than 8,000 in elementary schools of the district and any unified or high school district which has an average daily attendance of less than 8,000 in high schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded minors who come within the provisions of Section 6903.

A county superintendent of schools, required to provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6903, may with the approval of the Superintendent of Public Instruction enter into agreement with an elementary, unified or high school district for the latter to provide for the education of such mentally retarded minors.

(d) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 6903 and agree with an elementary or unified school district with an average daily attendance of 8,000 or more in the elementary schools of the district and in unified or high school districts with an average daily attendance of 8,000 or more in the high schools of the district for the education by the county superintendent of schools of such minors residing in such districts. Whenever a special training school or class is established under the provisions of this subdivision, the foundation program prescribed in Section 17656 for an elementary district with an average daily attendance of 901 or more shall apply for elementary schools, and the foundation program prescribed in Section 17665 shall apply for high schools.

SEC. 3.5. Section 8955 of the Education Code is amended to read:

8955. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the education of mentally retarded minors who come within the provisions of Section 6902 and for the rental of property and the purchase of equipment by the county superintendent of schools for special training schools and classes for such minors. The amount shall be determined by subtracting from the total cost of the education of such minors, including transportation, to the county superintendent of schools (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 for the education of mentally retarded minors who come within the provisions of Section 6902 and by adding to the result the amount required for rental of property and purchase of equipment.

The county auditor and the county board of supervisors shall determine the tax necessary to produce the amount certified when levied upon the taxable property of all the districts under the jurisdiction of the county superintendent of schools which have not been approved by the county superintendent of schools to maintain such schools or classes. The board of supervisors shall at the time of levying other county taxes levy the tax so determined in each school district which had during the preceding fiscal year not been approved by the county superintendent of schools to maintain such schools or classes, except that the tax levied shall not exceed ten cents ($0.10) for each one hundred dollars ($100) of assessed valuation and shall be levied notwithstanding the provisions of Section 20751 or 20803.

The amount received from the tax shall be deposited in the county school service fund.

In the event the amount received from the tax levied is less than the amount certified by the county superintendent of schools the difference shall, with the approval of the Superintendent of Public Instruction, be paid the county superintendent of schools from the county school service fund contingency account pursuant to Section 18353.

SEC. 4. Section 8955.1 of the Education Code is amended to read:

8955.1. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the education of mentally retarded minors who come within the provisions of Section 6903 and for rental of property and the purchase of equipment by the county superintendent of schools for special training

schools or classes for such minors. The amount shall be determined by subtracting from the total cost of the education of such minors, including transportation, to the county superintendent of schools the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of such mentally retarded minors and by adding to the result the amount required for rental of property and the purchase of equipment. The board of supervisors may include in such amount a sum for capital outlay.

The board of supervisors shall, at the time of levying other county taxes, levy an identical rate of tax in all elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools in the district, and all unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the district under the jurisdiction of the county superintendent of schools, and for which approval has not been granted by the county superintendent for the district to establish and maintain such classes for the education of mentally retarded minors who come within the provisions of Section 6903 and any school district with an elementary or high school average daily attendance of more than 8,000 for which the county superintendent maintains such class upon the taxable property in such districts sufficient to produce an amount equal to all costs of the education of such minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors. The amount received from this tax shall be deposited in the county school service fund.

The tax shall be levied and collected on a current basis during the fiscal year on the basis of estimates of average daily attendance levels, assessed valuation levels, and the other factors involved. Excess amounts collected in any year may be applied to reduction of the tax in succeeding fiscal years, and the amount to be raised by the tax in any fiscal year may be increased by the amount of deficiency in the tax collected in prior fiscal years.

SEC. 5. Section 8955.2 of the Education Code is amended to read:

8955.2. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the identification and education of physically handicapped minors who come within the provisions of Section 6801 or 6802 and for the rental of property and the purchase of equipment by the county superintendent of schools for the schools or classes for such minors.

The county superintendent of schools, when actually maintaining schools or classes for handicapped minors for districts with an average daily attendance in excess of 8,000 in

the elementary or secondary schools of the district when such education is by agreement of the governing board of such school district, shall with the approval of the county board of education certify to the county auditor and the county board of supervisors on or before July 15th of each year the amount of money required to be raised by tax for the education of physically handicapped minors who come within the provisions of Section 6801 or 6802 under the same conditions and circumstances as an amount of money is certified and the tax levied for districts with less than 8,000 average daily attendance in the elementary or secondary schools of the district for the education of such physically handicapped minors, but such tax in districts of more than 8,000 average daily attendance shall not include any amount for the education of physically handicapped minors actually conducted by the local school district or for contract services of such education by another school district.

The amount shall be determined by subtracting from the total cost of the education of such minors, including transportation, to the county superintendent of schools the total amounts to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of such physically handicapped minors and by adding to the result the amount required for rental of property, the purchase of equipment, and capital outlay.

The board of supervisors shall, at the time of levying other county taxes, levy an identical rate of tax in all elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools in the district, and all unified or high school districts which have an average daily attendance of less than 8,000 in the high schools under the jurisdiction of the county superintendent of schools, and for which approval has not been granted by the county superintendent for the district to establish and maintain such classes for the education of physically handicapped minors who come within the provisions of Section 6801 or 6802 upon the taxable property in such districts sufficient to produce such amounts. The amount received from this tax shall be deposited in the county school service fund.

The tax shall be levied and collected on a current basis during the fiscal year on the basis of estimates of average daily attendance levels, assessed valuation levels, and the other factors involved. Excess amounts collected in any year may be applied to reduction of the tax in succeeding fiscal years, and the amount to be raised by the tax in any fiscal year may be increased by the amount of deficiency in the tax collected in prior fiscal years.

The Superintendent of Public Instruction shall adopt such rules and regulations as he may deem necessary to the implementation of this section.

SEC. 6. Section 894 of the Education Code, as proposed by Senate Bill No. 1, is amended to read:

894. The county superintendent of schools shall establish and maintain programs for physically handicapped minors who come within the provisions of Section 6801 or 6802, including cerebral palsied, orthopedically handicapped, visually handicapped, or aurally handicapped, and who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools of the districts or in unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the districts, whenever such districts have not provided nor entered into contract with other districts to provide such programs.

Such program shall, with the approval of the county board of education, be provided in one or more of the following ways:

(a) In special schools or classes of elementary and secondary grade and in remedial classes of elementary and secondary grade.

(b) By the employment of emergency teachers to provide special instruction in the regular schools of the districts of the county.

(c) By the maintenance of special classes of secondary grade.

(d) By the employment of home instructors to give individual instruction in the home or at the bedside in institutions, and by the employment of instructors to provide remedial instruction for physically handicapped minors in regular, special day, and special training schools or classes which he may be authorized to conduct, and by the employment of instructors to provide individual instruction for minors with speech disorders or defects who are at least three years of age for the purpose of remedying such speech disorders or defects.

(e) By cooperation with the Department of Rehabilitation in the provision of individual instruction and coordination services.

(f) By contract with the county superintendent of schools of another county or with the governing board of any school district.

(g) In integrated programs of instruction of elementary or secondary grade.

(h) By the employment of instructors to provide individual instruction, subject to the provision of Section 6812, in schools or in the homes of minors who are deaf or hard of hearing, as determined by the State Board of Education, and between the ages of three and six years of age.

The county superintendent of schools may establish and maintain programs for the physically handicapped minors who come within the provisions of Section 6801 or 6802 and who reside in any district within the county with the approval of the county board of education and the agreement of the

local governing board of the school district. Such programs may be carried out in accordance with subdivisions (a), (c), (g), and (h).

Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. In an instance where it would be impractical because of the transportation distances existing to bring a sufficient number of physically handicapped minors within the meaning of Section 6801 or 6802 together in one place to form a school or special class, the county superintendent of schools, upon the annual approval of the Superintendent of Public Instruction, may defer compliance with the provisions of this section for the year in question.

Any elementary or unified school district which has an average daily attendance of less than 8,000 in the elementary schools of the district and any unified or high school district which has an average daily attendance of less than 8,000 in the high schools of the district, with the approval of the county superintendent of schools, may establish and maintain programs for the physically handicapped who come within the provisions of Section 6801 or 6802.

The county superintendent of schools required to provide for the education of physically handicapped minors residing in the county who come within the provisions of Section 6801 or 6802 may, with the approval of the Superintendent of Public Instruction, enter into agreements with an elementary, unified, or high school district for the latter to provide for the education of such physically handicapped minors.

SEC. 7. Section 895 of the Education Code, as proposed by Senate Bill No. 1, is amended to read:

895. (a) The county superintendent of schools shall establish and maintain special training schools or classes for mentally retarded minors who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 901 in the elementary schools of the district and who come within the provisions of Section 6902. The schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. The district shall pay to the county school service fund of the county in which the district is located all costs of the education of the minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of the minors.

Any elementary or unified school district which has an average daily attendance of less than 901 in elementary schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded minors who come within the provisions of Section 6902.

(b) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 6902 and contract with an elementary or unified school district with an average daily attendance of 901 or more in the elementary schools of the district, or with a high school district with an average daily attendance of less than 901, subject to such terms and conditions as may be agreed upon. The contract shall be approved by the county board of education and shall require the district to pay to the county school service fund of the county in which the district is located all costs of the education of the minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors.

Whenever a special training school or class is established under the provisions of this subdivision, the computations prescribed by Sections 17655.5 and 17664 shall not apply.

(c) The county superintendent of schools shall establish and maintain special training schools or classes for mentally retarded minors who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools of the district and in unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the district and who come within the provisions of Section 6903. Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. In an instance where it would be impracticable because of the transportation distances existing to bring a sufficient number of mentally retarded minors, within the meaning of Section 6903, together in one place to form a special training class, the county superintendent of schools upon the annual approval of the Superintendent of Public Instruction may defer compliance with the provisions of this section for the year in question.

Any elementary or unified school district which has an average daily attendance of less than 8,000 in elementary schools of the district and any unified or high school district which has an average daily attendance of less than 8,000 in high schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded minors who come within the provisions of Section 6903.

A county superintendent of schools, required to provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6903, may with the approval of the Superintendent of Public Instruction enter into agreement with an elementary, unified or high school district for the latter to provide for the education of such mentally retarded minors.

(d) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 6903 and agree with an elementary or unified school district with an average daily attendance of 8,000 or more in the elementary schools of the district and in unified or high school districts with an average daily attendance of 8,000 or more in the high schools of the district for the education by the county superintendent of schools of such minors residing in such districts. Whenever a special training school or class is established under the provisions of this subdivision, the foundation program prescribed in Section 17656 for an elementary district with an average daily attendance of 901 or more shall apply for elementary schools, and the foundation program prescribed in Section 17665 shall apply for high schools.

SEC. 8. Section 895.6 of the Education Code, as proposed by Senate Bill No 1, is amended to read:

895.6. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the education of mentally retarded minors who come within the provisions of Section 6902 and for the rental of property and the purchase of equipment by the county superintendent of schools for special training schools and classes for such minors. The amount shall be determined by subtracting from the total cost of the education of such minors, including transportation, to the county superintendent of schools (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 for the education of mentally retarded minors who come within the provisions of Section 6902 and by adding to the result the amount required for rental of property and purchase of equipment.

The county auditor and the county board of supervisors shall determine the tax necessary to produce the amount certified when levied upon the taxable property of all the districts under the jurisdiction of the county superintendent of schools which have not been approved by the county superintendent of schools to maintain such schools or classes. The board of supervisors shall at the time of levying other county taxes levy the tax so determined in each school district which had during the preceding fiscal year not been approved by the county superintendent of schools to maintain such schools or classes, except that the tax levied shall not exceed ten cents ($0.10) for each one hundred dollars ($100) of assessed valuation and shall be levied notwithstanding the provisions of Section 20751 or 20803.

The amount received from the tax shall be deposited in the county school service fund.

In the event the amount received from the tax levied is less than the amount certified by the county superintendent of schools the difference shall, with the approval of the Superintendent of Public Instruction, be paid the county superintendent of schools from the county school service fund contingency account pursuant to Section 18353.

SEC. 9. Section 895.7 of the Education Code, as proposed by Senate Bill No. 1, is amended to read:

895.7. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the education of mentally retarded minors who come within the provisions of Section 6903 and for rental of property and the purchase of equipment by the county superintendent of schools for special training schools or classes for such minors. The amount shall be determined by subtracting from the total cost of the education of such minors, including transportation, to the county superintendent of schools the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of such mentally retarded minors and by adding to the result the amount required for rental of property and the purchase of equipment. The board of supervisors may include in such amount a sum for capital outlay.

The board of supervisors shall, at the time of levying other county taxes, levy an identical rate of tax in all elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools in the district, and all unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the district under the jurisdiction of the county superintendent of schools, and for which approval has not been granted by the county superintendent for the district to establish and maintain such classes for the education of mentally retarded minors who come within the provisions of Section 6903 and any school district with an elementary or high school average daily attendance of more than 8,000 for which the county superintendent maintains such class upon the taxable property in such districts sufficient to produce an amount equal to all costs of the education of such minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors. The amount received from this tax shall be deposited in the county school service fund.

The tax shall be levied and collected on a current basis during the fiscal year on the basis of estimates of average daily attendance levels, assessed valuation levels, and the other factors involved. Excess amounts collected in any year may

be applied to reduction of the tax in succeeding fiscal years, and the amount to be raised by the tax in any fiscal year may be increased by the amount of deficiency in the tax collected in prior fiscal years.

SEC. 10. Section 895.8 of the Education Code, as proposed by Senate Bill No. 1, is amended to read:

895.8. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the identification and education of physically handicapped minors who come within the provisions of Section 6801 or 6802 and for the rental of property and the purchase of equipment by the county superintendent of schools for the schools or classes for such minors.

The county superintendent of schools, when actually maintaining schools or classes for handicapped minors for districts with an average daily attendance in excess of 8,000 in the elementary or secondary schools of the district when such education is by agreement of the governing board of such school district, shall with the approval of the county board of education certify to the county auditor and the county board of supervisors on or before July 15th of each year the amount of money required to be raised by tax for the education of physically handicapped minors who come within the provisions of Section 6801 or 6802 under the same conditions and circumstances as an amount of money is certified and the tax levied for districts with less than 8,000 average daily attendance in the elementary or secondary schools of the district for the education of such physically handicapped minors, but such tax in districts of more than 8,000 average daily attendance shall not include any amount for the education of physically handicapped minors actually conducted by the local school district or for contract services of such education by another school district.

The amount shall be determined by subtracting from the total cost of the education of such minors, including transportation, to the county superintendent of schools the total amounts to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of such physically handicapped minors and by adding to the result the amount required for rental of property, the purchase of equipment, and capital outlay.

The board of supervisors shall, at the time of levying other county taxes, levy an identical rate of tax in all elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools in the district, and all unified or high school districts which have an average daily attendance of less than 8,000 in the high schools under the jurisdiction of the county superintendent of schools, and for which approval has not been granted by the county superintendent for the district to establish and maintain such classes

for the education of physically handicapped minors who come within the provisions of Section 6801 or 6802 upon the taxable property in such districts sufficient to produce such amounts The amount received from this tax shall be deposited in the county school service fund.

The tax shall be levied and collected on a current basis during the fiscal year on the basis of estimates of average daily attendance levels, assessed valuation levels, and the other factors involved. Excess amounts collected in any year may be applied to reduction of the tax in succeeding fiscal years, and the amount to be raised by the tax in any fiscal year may be increased by the amount of deficiency in the tax collected in prior fiscal years.

The Superintendent of Public Instruction shall adopt such rules and regulations as he may deem necessary to the implementation of this section.

SEC. 11. Sections 6 to 10, inclusive, of this act shall become operative only if Senate Bill No. 1 is enacted by the Legislature at its 1968 Regular Session, and in such case at the same time as Senate Bill No. 1 takes effect; at which time Sections 8901, 8951, 8955, 8955.1, and 8955.2 of the Education Code as amended by Sections 2, 3, 3.5, 4, and 5 of this act are repealed.

CHAPTER 601

An act to amend Sections 73483, 73485, 73487, and 73488 of the Government Code, relating to municipal courts.

[Approved by Governor July 16, 1968 Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 73483 of the Government Code is amended to read:

73483. The clerk may appoint:

(a) One deputy clerk IV who shall be assistant administrative officer and chief deputy.

(b) Three deputy clerks III.

(c) Two deputy clerks II.

(d) Two deputy clerks I.

SEC. 2. Section 73485 of the Government Code is amended to read:

73485. The marshal may appoint:

(a) Two deputy marshals III.

(b) Two clerk-typists II.

SEC. 3. Section 73487 of the Government Code is amended to read:

73487. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section

73486, except that no person so employed shall receive less than that provided by law for officers and employees in any other municipal court in the County of San Joaquin on a comparable salary range:

(a)	Deputy clerk I	Range 20
(b)	Deputy clerk II	Range 22
(c)	Deputy clerk III	Range 24
(d)	Deputy clerk IV	Range 27
(e)	Clerk	Range 30
(f)	Clerk-typist II	Range 20
(g)	Deputy marshal III	Range 28

Subject to the provisions of the San Joaquin County ordinance, each person employed in the clerk's office or marshal's office, including the clerk but not including the marshal, may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 4. Section 73488 of the Government Code is amended to read:

73488. Certain classifications in the clerk's office and marshal's office are deemed to be equivalent in job and salary level to certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of the comparable classification in the clerk's office or marshal's office, as well as the related classifications hereinafter listed, shall be adjusted an equal number of ranges on the salary schedule. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications, but such adjustments shall be effective only until 60 days after the final adjournment of the next regular session of the Legislature.

(a) The classes of deputy clerk I in the clerk's office and clerk-typist II in the marshal's office are equivalent in job and salary level to the class of clerk-typist II in the service of San Joaquin County. Whenever the class of clerk-typist II is adjusted, the classes of deputy clerk I, deputy clerk II, deputy clerk III and clerk-typist II shall be adjusted an equal number of ranges on the salary schedule.

(b) The class of deputy clerk IV is equivalent in job and salary level to the class of superior court clerk in the service of San Joaquin County. Whenever the class of superior court clerk is adjusted, the classes of deputy clerk IV and clerk shall be adjusted an equal number of ranges on the salary schedule.

(c) Whenever the salary of the class of deputy sheriff I in the service of San Joaquin County is adjusted, the class of deputy marshal III shall be adjusted an equal number of ranges on the salary schedule.

CHAPTER 602

An act to amend Sections 32507, 32508, 32509, 32510, and 32650 of the Streets and Highways Code, relating to parking authorities.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 32507 of the Streets and Highways Code is amended to read:

32507. "City" means any city or city and county, or in the case of a county parking authority, means any county, including incorporated portions thereof. "The city" means the particular city, county, or city and county, for which a particular authority is created.

SEC. 2. Section 32508 of the Streets and Highways Code is amended to read:

32508. "Legislative body" means, in the case of a city, that body in which the general legislative powers of the city are vested, and in the case of a county or a city and county, the board of supervisors.

SEC. 3. Section 32509 of the Streets and Highways Code is amended to read:

32509. "Mayor" means the mayor of the city or the officer charged with the duties customarily imposed on the mayor or executive head of the city. In the case of a county parking authority "mayor" means the chairman of the board of supervisors.

SEC. 4. Section 32510 of the Streets and Highways Code is amended to read:

32510. "Clerk" means the clerk of the city or the officer charged with the duties customarily imposed on the clerk. In the case of a county parking authority "clerk" means the clerk of the board of supervisors.

SEC. 5. Section 32650 of the Streets and Highways Code is amended to read:

32650. There is in each city and in each county of the state a public body corporate and politic known as the parking authority of the city or the county.

CHAPTER 603

An act to amend Sections 73682, 73683, 73684, and 73694 of, and to repeal Section 73691 of, the Government Code, relating to courts.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 73682 of the Government Code is amended to read:

73682. There shall be one clerk to be appointed by the judges of the court in the manner provided by law who shall be the clerk, administrator and secretary of the court. He shall receive a monthly salary at the rate specified in Range 75 of the salary schedule set forth in Section 73684.

SEC. 2. Section 73683 of the Government Code is amended to read:

73683. The clerk may appoint the following court personnel who shall receive a salary at the range indicated as set forth in Section 73684:

(a) Two chief deputy clerks at salary range 58.

(b) Seven court clerks at salary range 54.

(c) Three deputy clerks II at salary range 54.

(d) Four deputy clerks I at salary range 44.

(e) Two intermediate stenographer-clerks at salary range 43.

(f) Twenty-one intermediate typist-clerks at salary range 40.

(g) Two junior stenographer-clerks at salary range 36.

(h) Eleven junior typist-clerks at salary range 34.

(i) The clerk may appoint any combination of stenographer-clerks (e) and (g) not to exceed a total of two and may appoint any combination of typist-clerks (f) and (h) not to exceed a total of 26.

SEC. Section 73684 of the Government Code is amended to read:

73684. The following salary schedule shall apply to all officers and attachés of the Fresno Municipal Court:

Salary range	Salary step rates				
	1	2	3	4	5
33	$307	$323	$339	$356	$374
34	315	331	348	365	383
35	323	339	356	374	392
36	331	348	365	383	402
37	339	356	374	392	412
38	348	365	383	402	422
39	356	374	392	412	432
40	365	383	402	422	443
41	374	392	412	432	454
42	383	402	422	443	465
43	392	412	432	454	476
44	402	422	443	465	488
45	412	432	454	476	500
46	422	443	465	488	512
47	432	454	476	500	525
48	443	465	488	512	538
49	454	476	500	525	551
50	465	488	512	538	565
51	476	500	525	551	579

Salary range	Salary step rates				
	1	2	3	4	5
52	488	512	538	565	593
53	500	525	551	579	608
54	512	538	565	593	623
55	525	551	579	608	638
56	538	565	593	623	654
57	551	579	608	638	670
58	565	593	623	654	687
59	579	608	638	670	704
60	593	623	654	687	721
61	608	638	670	704	739
62	623	654	687	721	757
63	638	670	704	739	775
64	654	687	721	757	794
65	670	704	739	775	814
66	687	721	757	794	834
67	704	739	775	814	855
68	721	757	794	834	876
69	739	775	814	855	898
70	757	794	834	876	920
71	775	814	855	898	943
72	794	834	876	920	966
73	814	855	898	943	990
74	834	876	920	966	1,014
75	855	898	943	990	1,039
76	876	920	966	1,014	1,065
77	898	943	990	1,039	1,091
78	920	966	1,014	1,065	1,118
79	943	990	1,039	1,091	1,146
80	966	1,014	1,065	1,118	1,174
81	990	1,039	1,091	1,146	1,203
82	1,014	1,065	1,118	1,174	1,233
83	1,039	1,091	1,146	1,203	1,264
84	1,065	1,118	1,174	1,233	1,295
85	1,091	1,146	1,203	1,264	1,327
86	1,118	1,174	1,233	1,295	1,360
87	1,146	1,203	1,264	1,327	1,394
88	1,174	1,233	1,295	1,360	1,428
89	1,203	1,264	1,327	1,394	1,463
90	1,233	1,295	1,360	1,428	1,499

Except as provided in Section 73687, initial appointments to each position shall be at step 1 of the appropriate salary range. Thereafter at the recommendation of the clerk, the officer or attaché will be entitled to advance to step 2 after six months of service, to step 3 after 1½ years of service, to step 4 after 2½ years of service, and to step 5 after 3½ years of service. Except as otherwise specifically provided in this article to the contrary, all benefits, privileges and other provisions affecting the employment of county employees shall apply to all officers and attachés of the municipal court.

SEC. 4. Section 73691 of the Government Code is repealed.

SEC. 5. Section 73694 of the Government Code is amended to read:

73694. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of Chapter 8 of this title and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon the recommendation of the judges as to the clerk and the clerk as to all other officers and attachés of the court, and with the approval of the Board of Supervisors of the County of Fresno, the officers and attachés of the court may be paid any compensation which is within the ranges and increments set forth in Section 73684, but not exceeding 25 percent of the amounts provided for the position by Sections 73682 and 73683. Such increase may be made operative at the same time as the higher compensation becomes operative for the similar position within the County of Fresno. This section shall remain in effect until the 60th day after the final adjournment of the 1969 Regular Session of the California Legislature.

CHAPTER 604

An act to amend Section 7.4 of the Metropolitan Water District Act (Chapter 429 of the Statutes of 1927), relating to bond anticipation notes.

[Approved by Governor July 16, 1968 Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 7.4 of the Metropolitan Water District Act (Chapter 429 of the Statutes of 1927) is amended to read:

Sec. 7.4. The district may borrow money in anticipation of the sale of bonds of the district which have been authorized by the electors thereof to be issued but which have not yet been sold and delivered, and for that purpose may issue and sell negotiable bond anticipation notes, and may refund the same from time to time, but the maximum maturity of any such notes, as originally issued or as refunded, shall not exceed five years from the date of the original notes. The interest on said notes, which shall be payable at the time or times provided therein and which may be represented by interest coupons attached thereto, shall be payable from the same funds as interest on bonds of the district are payable. The principal of such notes may be paid from any moneys of the district available therefor. If such notes, or any portion thereof, have not been previously paid, the same shall be paid from the proceeds of the next sale of bonds in anticipation of which the notes

were issued. The aggregate amount of such notes outstanding at any one time shall not exceed the aggregate amount of the so authorized but unissued bonds of the district. The notes shall be sold in such manner as the board of directors may determine and such notes and the resolution providing for the issuance of such notes may contain any provision, condition or limitation which a bond or any resolution or ordinance providing for the issuance of bonds may contain. Without limiting the generality of the foregoing, such resolution may contain a provision that, if for any reason bonds of the district are not sold in time to provide funds to pay any unpaid note, and, if other funds of the district are not available for such payment, taxes shall be levied for such payment in the manner provided in Section 8 for the payment of bonds in such amount each year for such period of years as may be set forth in such resolution. When bonds of the district, or any series thereof, are issued and any portion of the proceeds of the sale thereof are to be used to pay bond anticipation notes, such bonds or such series thereof shall mature not later than 50 years from the date of such notes as originally issued.

CHAPTER 605

An act to amend Sections 73952 and 73953 of the Government Code, relating to the North County Judicial District.

[Approved by Governor July 16, 1968 Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 73952 of the Government Code is amended to read:

73952. There shall be one clerk, who shall be appointed by the majority of judges of the court and who shall receive a monthly salary at a rate specified in Schedule No. 43 of Section 74343.1.

SEC. 2. Section 73953 of the Government Code is amended to read:

73953. The clerk may appoint:

(a) One chief deputy who shall receive a monthly salary at a rate specified in Schedule No. 36.5.

(b) Five deputy clerks IV, each of whom shall receive the monthly salary specified in Schedule No. 33.

(c) Thirteen deputy clerks III, each of whom shall receive the monthly salary specified in Schedule No. 28.

(d) Ten deputy clerks II, each of whom shall receive the monthly salary specified in Schedule No. 25.

(e) Eight deputy clerks I, each of whom shall receive the monthly salary specified in Schedule No. 21 Appointments to such positions shall be at step B of the schedule.

(f) Two key punch operators, each of whom shall receive the monthly salary specified in Schedule No. 23.5. The person now holding the position of key punch operator as appointed on September 1, 1966, by the Clerk of the San Diego Municipal Court by authority of Section 72150 of the Government Code and assigned to this court by authority of Section 72002 of the Government Code shall succeed to one such position without further examination, qualification or certification on a civil service eligible list.

(g) One court interpreter who shall receive a monthly salary at a rate specified in Schedule No. 27 The person now holding the position of court interpreter as appointed on September 1, 1966, by the Judges of the San Diego Municipal Court by authority of Section 72150 of the Government Code and assigned to this court by authority of Section 72002 of the Government Code shall succeed to this position without further qualification or certification on a civil service eligible list.

(h) One deputy clerk who shall be a stenographer and who shall receive a monthly salary at a rate specified in Schedule No. 27.5.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1. The provisions of subdivisions (a), (b), (c), and (d) of said section apply to the attachés appointed pursuant to this section. In no event shall the salary of the clerk or any deputy clerk who occupied his position on the day prior to the effective date of this section be less than his salary on such day.

CHAPTER 606

An act to amend Sections 62707, 62708, 62716, and 62717 of the Agricultural Code, relating to milk equalization pools and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 62707 of the Agricultural Code is amended to read:

62707. The formulation committee shall make recommendations to the director for inclusion in the pooling plan, and the director shall include in the pooling plan, the following:

(a) The establishment of one or more pools throughout the state.

(b) The base period to be used in determining the production and class 1 usage bases of each producer directly affected by the pooling plan. Such base period shall, at the producers option, be his fluid milk production and usage in the pool area

during the calendar year 1967 on an average daily basis or his production and usage in the pool area during the last six months of 1966 on an average daily basis.

As to a producer south and east of San Gorgonio Pass, his production base may at his option, be four times his production in the months of December, 1966, and January and February, 1967.

If a producer, during any such base period, had a valid contract with a distributor, or as a member of a cooperative association had an allocation, which provided that the distributor or cooperative association was required to accept a larger amount of fluid milk from such producer than the producer actually produced during such period, on proof satisfactory to the director of such contract or allocation, the producer may, at his option, have the amount specified in the contract or allocation established as his production base.

(c) The establishment of a class 1 usage for each producer, which shall be the amount of his production of fluid milk accounted for as class 1, and any fluid milk sold for use as class 1 to a United States military installation but which was not accounted for as class 1.

(d) The allocation to each producer within any pool of a pool quota, which, initially, shall be 110 percent of that producer's class 1 usage, as determined in subdivision (c) of this section.

(e) The determination of new class 1 usage and the allocation of pool quota based thereon in a manner consistent with effectuating the purposes of this chapter.

All producers who have not reached the equalization point shall share in such allocation of pool quota on the basis of a formula which shall give substantial weight to each producer's production base, but which at the same time shall allocate a larger percentage to hardship cases and low class 1 usage producers.

Such allocations shall be made on the basis of each individual producer, with each cooperative association considered as a single producer. The cooperative associations of producers shall reassign any new quota to their own members subject to the provisions of Section 62710.

No allocation shall be made to any producer for any new pool quota in excess of the equalization point as expressed in subdivision (c) of Section 62712.

Annually, within not more than two months after August 31 of each year, the pool quota shall be adjusted to reflect any such additional pool quota. It is intended that such increase shall generally reflect the increased class 1 usage which developed during the preceding year, adjusted for the director's estimate of class 1 requirements for the succeeding year, allocated in the manner specified in the pool plan. There shall be no downward adjustment of pool quota below the quota initially established pursuant to this chapter.

(f) The establishment of production bases and pool quotas for new fluid milk producers who wish to enter the pooling plan after the effective date of the plan. The recommendations of the committee shall be reasonably equitable to both such new producers and to participating producers and consistent with effectuating the purposes of this chapter.

(g) The transfer of production bases and pool quotas from one fluid milk producer to another under conditions so designed as to prevent abuses in such transfers and to avoid the development of excessive values for such bases and quotas.

(h) Any and all other matters necessary and desirable to effectuate the provisions of this chapter.

The recommendations of the formulation committee and the pooling plan may provide exceptions from the plan's general application for individual cases of hardship.

SEC. 2. Section 62708 of the Agricultural Code is amended to read:

62708. "Producer-distributor" for purposes of this chapter is any person that is both a producer and a distributor of fluid milk or fluid cream. For the purposes of this chapter a producer-distributor is a producer in any transaction which involves the delivery of bulk fluid milk or bulk fluid cream which was produced by him to a distributor, or any nonprofit cooperative association of producers and is a distributor in any transaction which involves the purchase by him of fluid milk or fluid cream, the pasteurization or packaging of fluid milk or fluid cream, or the sale or delivery of packaged fluid milk or packaged fluid cream to any person.

A producer-distributor, including partnerships or corporations with common ownership, where the ownership of the producing entity is substantially proportionate to the ownership of the distributing entity, shall have the option, at the time of the adoption of the initial pooling plan under this chapter, to have a production base and pool quota established as a part of the pooling plan provided for in this chapter, or to elect to operate entirely outside of the pool for producer payment purposes. This option is available only in such cases where the producer-distributor on January 1, 1968, exercised complete and exclusive control over the operation and management of a plant at which he processes milk received from his own milk production facilities, except for purchases in bulk or packaged fluid milk, fluid skim milk or fluid cream which do not exceed an annual average of 50 gallons per day or 5 percent of his total fluid milk sales, whichever is greater, and only in such case as the producer-distributor had retail sales for its own account of not less than 66⅔ percent of its total class 1 sales.

Any producer-distributor, as herein defined, electing to become a part of the pool shall have the right to deduct his entire pool quota from his own class 1 sales before being

required to account to the pool, irrespective of the fact that the average class 1 usage in the pool for that month may be less than 100 percent of the pool quota in that pool.

Any producer-distributor electing to be excluded from the pool may at any later time be admitted to the pool, but with only the production base and pool quota to which he would have originally been entitled or his existing production and class 1 usage at the time of such admittance, whichever is less.

SEC. 2.5. Section 62716 of the Agricultural Code is amended to read:

62716. Following the required hearing, the director shall submit the pooling plan to producers concerned for their approval or disapproval in a statewide referendum.

The approval or disapproval of individual producers voting in this referendum shall be kept confidential.

Each producer shall have one vote and such vote shall be individually cast so that there will be no block voting. The director shall prepare a ballot. The ballot form shall be substantially as follows:

Ballot

Shall the proposed pooling plan be made effective?
Yes _____ No _____

In addition, the ballot shall include a statement of the voter's total production during the calendar month next preceding the month of the commencement of the referendum period, where and to whom such production was sold or otherwise disposed, and the producer's name and address.

The director may reveal the names of producers whose votes have been received to both proponents and opponents of the plan.

The referendum shall be set for a period of 60 days. The director may at his own discretion or upon a proper showing, extend the referendum for a period not to exceed 30 days.

SEC. 3. Section 62717 of the Agricultural Code is amended to read:

62717. If the director finds that producers on a statewide basis have assented in writing to the proposed pooling plan submitted to them for assent, the director shall place the proposed pool plan into effect. The director shall find that producers have assented to the plan if he finds on a statewide basis that:

(a) Not less than 51 percent of the total number of eligible producers in the state shall have voted in the referendum; and

(b) Sixty-five percent or more of the total number of eligible producers who voted in the referendum who produced 51 percent or more of the total amount of fluid milk produced in the state during the calendar month next preceding the month of the commencement of the referendum period by all producers who voted in referendum approve the plan; or

(c) Fifty-one percent or more of the total number of eligible producers who voted in the referendum who produced 65 percent or more of the total amount of fluid milk produced in the

state during the calendar month next preceding the month of the commencement of the referendum period by all producers who voted in the referendum, approve the plan.

If the plan is not approved, the director may resubmit the plan, or submit a new plan, at any time after six months from the date the director announces the pool plan was not approved.

The director may amend the plan, after notice and public hearing has been given in the same manner as is provided in Article 13 (commencing with Section 62181) of Chapter 2 of this part for stabilization and marketing plans, if he finds that the amendment is necessary to effectuate the purposes of this chapter. After the hearing, the director upon his own motion may make nonsubstantive amendments to the plan. The director may make substantive amendments to the plan only if producers assent to the proposed amendments at a referendum conducted in the same manner and in the same number as provided for the referendum approving the pooling plan.

The director may terminate the plan on a statewide basis after notice and public hearing has been given in the same manner as is provided in Article 13 (commencing with Section 62181) of Chapter 2 of this part for stabilization and marketing plans, if he finds that the plan is no longer in conformity with the standards described in, or will not tend to effectuate the purposes of, this chapter. Such hearing may be held upon the motion of the director, and shall be held upon receipt of a petition signed by producers representing not less than 25 percent of the total number of all producers and not less than 25 percent of the total production of all producers.

The director shall submit the termination of the plan on a statewide basis in a referendum conducted in the same manner as provided for initial approval of such plan if, after notice and public hearing has been given in the same manner as is provided in Article 13 (commencing with Section 62181) of Chapter 2 of this part for stabilization and marketing plans, he finds that a substantial question exists as to whether or not producers desire the plan to continue and shall submit the plan for termination upon receipt of a petition requesting termination signed by producers representing not less than 25 percent of the total number of all producers and not less than 25 percent of the total production of all producers. The plan shall be terminated if termination is favored by the same percentage of producers producing the same amount of fluid milk as required to initiate the plan.

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

In order for changes made by this act to be included in the initial pooling plan adopted by producers, this act must take effect immediately.

CHAPTER 607

An act to amend Section 23046 of, and to add Section 23428.13 to, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 16, 1968 Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 23046 of the Business and Professions Code is amended to read:

23046. "Air common carrier" means a person engaged in regularly scheduled air transportation between fixed termini under a certificate of public convenience and necessity issued by the Civil Aeronautics Board, or its successor, or the Public Utilities Commission, or its successor, and "airplane" or "common carrier airplane" means an airplane operated in air transportation by an air common carrier.

SEC. 2. Section 23428.13 is added to the Business and Professions Code, to read:

23428.13. For purposes of this article "club" also means any club operated by a common carrier by air at an airport terminal, which club is composed of more than 50 qualified members in accordance with the rules of the club and which club has been operated by the common carrier by air for not less than one year. Such club shall qualify for a license under this article notwithstanding the provisions of Section 23037. The provisions of Section 23399 shall not apply to such a club.

CHAPTER 608

An act to amend Section 8654 of the Streets and Highways Code, relating to Improvement Bond Act of 1915.

[Approved by Governor July 16, 1968 Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 8654 of the Streets and Highways Code is amended to read:

8654. The bonds shall be payable to bearer, and shall bear interest at the rate specified or determined in the proceedings. The bonds maturing in any year shall constitute the annual series of that year and the aggregate principal of the bonds in such series shall equal the annual proportion of the aggregate principal sum of the entire bond issue hereinbefore referred to.

CHAPTER 609

An act to amend Section 19369 of the Government Code, relating to civil service transfers.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 19369 of the Government Code is amended to read:

19369. The board may prescribe rules governing the temporary assignment or loan of employees within an agency or between agencies or jurisdictions for not to exceed two years for the purpose of training. Such temporary assignments or loans shall be deemed to be in accord with the provisions of this part limiting employees to duties consistent with their class. An employee participating in such an arrangement shall have the absolute right to return to his former position.

CHAPTER 610

An act to amend Section 34593 of the Agricultural Code, relating to milk.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 34593 of the Agricultural Code is amended to read:

34593. Market milk or the fluid derivative of market milk which is used in the preparation of milk shakes or other mixed milk drinks shall be dispensed or poured from standard milk bottles or single service containers which have been filled and sealed or capped in a milk products plant.

This section does not prohibit the use of homogenized market milk or flavored dairy drinks drawn from a milk dispensing device that is approved pursuant to Section 34594 in the preparation of milk shakes or other mixed milk drinks.

CHAPTER 611

An act to add Section 96151.1 to the Public Utilities Code, relating to the Santa Barbara Metropolitan Transit District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 96151.1 is added to the Public Utilities Code, to read:

96151.1. The district may incur indebtedness by the issuance of negotiable promissory notes in an amount not to exceed four hundred thousand dollars ($400,000) pursuant to this section without an election for any purpose for which the district is authorized to expend funds. The notes may be registerable, exchangeable, renewable, refundable or callable prior to maturity and shall be in such form and executed in such manner as the board may prescribe. The notes shall mature not later than five years from their date, shall bear interest at a rate not exceeding 6 percent per annum, payable as provided therein, and shall be general obligations of the district payable, unless paid from other available funds of the district, in the same manner as bonds of the district.

The provisions of Chapter 1 (commencing with Section 29000) of Division 3, Title 3, Government Code, shall not be applicable to the incurring of indebtedness nor to the expenditure of any moneys borrowed under this section. Funds obtained by the district under this section may be expended immediately and without compliance with the County Budget Law.

The district shall publish an advertisement for bids on the promissory notes in a newspaper of general circulation within the district one week prior to the date of sale; provided, however, that if no bids are received or if the bids received are unsatisfactory as to price or responsibility of the bidders, the board may either readvertise or sell the notes at a private sale.

This section shall remain in effect until March 15, 1970, but the termination of the effectiveness of this section shall not affect the validity of any loan, indebtedness, or obligation incurred, or any agreement entered into, pursuant to this section, prior to March 15, 1970.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the State Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Santa Barbara Metropolitan Transit District is located along the south coast of Santa Barbara County; its boundaries encompass an area of fast-growing population. A professional survey conducted in 1966 indicates that over one-third of the population within the district is dependent on public transportation. Presently, a measure of transit service is provided by a private company under contract with the district. The equipment in use is both insufficient as to amount and dangerously deteriorated in quality. The private company does not have a state permit and operates the transit routes solely on the basis of the district's authority.

A federal grant has just been approved which will enable the district to obtain new equipment and related capital improvements on a matching fund basis. The district is unable to obtain the necessary matching funds from its tax revenues which are too limited for this purpose, and it is essential that financing be provided immediately so that the district may acquire its new equipment without delay and thus prevent the cessation of public transportation service. Cessation of public transportation service would constitute a threat to the public peace, health or safety along the southern portion of Santa Barbara County. In order that the district may undertake the immediate financing of the urgently needed equipment and transit facilities, it is necessary that this act go into immediate effect.

CHAPTER 612

An act to amend Sections 1231.1 and 1232 of the Public Utilities Code, relating to grade crossings.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 1231.1 of the Public Utilities Code is amended to read:

1231.1. In each annual budget report prepared by the California Highway Commission and the Department of Public Works under Section 143.1 of the Streets and Highways Code, commencing with the 1966–67 fiscal year, a sum not to exceed one million dollars ($1,000,000) shall be set aside for allocations to the Public Utilities Commission, for the purpose of paying to the street or railroad corporations the share of the cost to cities, counties, and cities and counties of maintaining automatic grade-crossing protection. Payment shall be made on the basis of verified claims filed with the commission by the street or railroad corporation responsible for maintenance of automatic grade-crossing protection. The specific amount of the total allocation shall be determined by the California Highway Commission and shall constitute the amount necessary for such maintenance. In arriving at such amount, the California Highway Commission shall consult with representatives of the Public Utilities Commission. Any amounts not expended by the Public Utilities Commission in any one fiscal year may be credited to subsequent annual allocations.

Funds appropriated for the purposes specified herein shall be available for allocation and expenditure without regard to fiscal years.

SEC. 2. Section 1232 of the Public Utilities Code is amended to read:

1232. At the time the commission makes each allocation under this chapter, it shall so certify to the State Controller. The commission shall present claims for reimbursement of the state's share of the cost of construction of projects under any allocations to the State Controller for payment. The State Controller shall make such audit as he deems necessary, before or after disbursement, for the purpose of determining that the money allocated has been expended for the purposes and under the conditions authorized under this chapter; except that prior or subsequent review and approval by the city, county, or city and county in which the grade-crossing protection is maintained of such allocations shall not be required as a condition of disbursement.

CHAPTER 613

An act to amend Section 28116 of the Government Code, relating to salaries in Monterey County.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 28116 of the Government Code is amended to read:

28116. In a county of the 16th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The county auditor, ten thousand two hundred forty dollars ($10,240) a year.

(b) The district attorney, twenty-one thousand five hundred dollars ($21,500) a year for his full-time services. He shall not engage in private practice of the law during his term of office.

(c) Each supervisor, nine thousand six hundred dollars ($9,600) a year, and the necessary and actual expenses incurred in the performance of the duties of his office. The chairman of the board of supervisors shall receive, as additional compensation one thousand two hundred dollars ($1,200) a year for services rendered as chairman.

(d) Grand jurors and trial jurors in the superior court and municipal courts shall receive for each day's attendance in court, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, five dollars ($5) a day. In justice courts, jurors shall receive for each day's attendance five dollars ($5). Grand jurors and trial jurors shall receive fifteen cents ($0.15) for each mile actually and necessarily traveled from their residences to the places of service, in going only, mileage to be allowed but once in any one day, during any

session of the court where the jurors serve. The fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid.

SEC. 2. Notwithstanding Sections 28160 and 53071 of the Government Code, the salary increase granted to the board of supervisors by the amendment of Section 28116 of the Government Code at the 1968 Regular Session of the Legislature shall not become effective until a supervisor shall have entered upon a new term of office on such board after the effective date of this act.

CHAPTER 614

An act to amend Section 1428b of the Penal Code, relating to criminal records.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 1428b of the Penal Code is amended to read:

1428b. All papers and records filed or kept in criminal proceedings in municipal and justice courts other than the docket and minutes, may, upon the order of the presiding judge of any such court, be destroyed after the lapse of five years following the final determination of the proceeding or the forfeiture of bail in cases in which no other proceedings are had during a like period following such forfeiture.

For the purposes of this section, "docket" shall be deemed to exclude traffic bail dockets maintained solely for the entry of bail deposits and forfeitures, including sums deposited as penalty assessments under the provisions of Section 42050, Vehicle Code, and Section 13521, Penal Code, in cases involving the violation of traffic laws or ordinances for which no personal appearance of defendants was required and for the entry of pleas of guilty, or nolo contendere under Section 40513 of the Vehicle Code where no verified complaint has been filed.

CHAPTER 615

An act to amend Section 69903 of the Government Code, relating to court employees.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 69903 of the Government Code is amended to read:

69903. In any county with a population of less than 1,000,000 but more than 800,000 as determined by the 1960 federal census, where the secretary of the judges of the superior court is required to perform the duties of jury commissioner pursuant to Section 69893, his salary shall be not less than six hundred dollars ($600) per month nor more than one thousand nine hundred twenty-nine dollars ($1,929) per month, said salary to be fixed within said limits by a majority of the judges of the superior court of such county.

In such a county the court and secretary may have to assist them in the performance of their duties the following employees:

(a) Two legal research assistants, who shall be members of the bar, who shall receive a salary of not less than four hundred dollars ($400) nor more than eight hundred fifty dollars ($850) a month,

(b) One senior administrative assistant-deputy jury commissioner, who shall receive a salary of not less than three hundred dollars ($300) nor more than nine hundred ninety-eight dollars ($998) a month,

(c) One administrative assistant-deputy jury commissioner, who shall receive a salary of not less than three hundred dollars ($300) nor more than eight hundred forty-one dollars ($841) a month,

(d) Two senior clerk-deputy jury commissioners, who shall receive a salary of not less than three hundred dollars ($300) nor more than six hundred seventy-six dollars ($676) a month,

(e) Four secretary-deputy jury commissioners, who shall receive a salary of not less than three hundred dollars ($300) nor more than six hundred thirteen dollars ($613) a month,

(f) Two clerks, who shall receive a salary of not less than three hundred dollars ($300) nor more than five hundred fifty-six dollars ($556) a month,

(g) One jury payroll and assemblyroom supervisor-deputy jury commissioner who shall receive a salary of not less than three hundred dollars ($300) nor more than six hundred seventy-six dollars ($676) a month.

Such employees shall be appointed by the secretary with the approval of a majority of the judges of the superior court of such county. Each such position shall be exempt from civil service laws. The salaries of such persons shall be fixed by a majority of the judges of the superior court of such county. The salaries of such secretary and other employees of the superior court shall be paid by the county in which they serve.

CHAPTER 616

An act to amend Section 3622 of the Public Utilities Code, relating to cement contract carriers.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 3622 of the Public Utilities Code is amended to read:

3622. Application for permits to operate as a cement contract carrier shall be in writing, verified under oath, and shall be in such form, contain such information, and be accompanied by proof of service upon such interested parties as the commission requires.

CHAPTER 617

An act to add Section 6310 to the Public Resources Code, relating to tidelands and submerged lands.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 6310 is added to the Public Resources Code, to read:

6310. Whenever tide and submerged lands granted in trust to a county by the Legislature are included within a city's boundaries as the result of that city's incorporation, trust title to such lands shall pass to such city only upon specific authorization and direction of the Legislature and at that time all papers, records, and all other documents pertaining to such lands and the administration thereof shall automatically become the property of the city and shall be transferred to the possession of the appropriate city officials by the county officials having possession thereof; provided, that the city shall pay to the county all costs necessarily incurred in making such transfer.

CHAPTER 618

An act to amend Section 11580.1 of the Insurance Code, relating to motor vehicle insurance.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 11580.1 of the Insurance Code is amended to read:

11580.1. No policy of 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 of a motor vehicle, or shall be issued or delivered by any insurer licensed in this state, upon any motor vehicle then principally garaged or principally used in this state unless it contains the following provisions:

(a) Provision with coverage limits at least equal to the financial responsibility requirements specified in Section 16059 of the Vehicle Code.

(b) Provision designating by explicit description or by appropriate reference all motor vehicles with respect to which coverage is intended to be granted.

(c) Provision designating by explicit description the purposes of use of such motor vehicles with respect to which coverage is not intended to be granted.

(d) Provision insuring the insured named therein and to the same extent that coverage is afforded such named insured in respect to said described motor vehicles, any other person using, or legally responsible for the use of, said motor vehicles, provided the motor vehicles are being used by the named insured or with his permission, express or implied.

(e) Notwithstanding the foregoing subdivisions, the insurer and any named insured may, by the terms of such policy or by a separate writing, agree that coverage under the policy shall not apply while said motor vehicles are being used by a natural person or persons designated by name. Such agreement by any named insured shall be binding upon every insured to whom such policy applies.

(f) Where two or more policies are applicable to the same loss and one of such policies affords coverage to a named insured engaged in selling, repairing, servicing, delivering, testing, road testing, parking, or storing automobiles, such policies may contain a provision that the insurance coverage applicable to such motor vehicles afforded a person other than the named insured or his agent or employee shall not be applicable if there is any other valid and collectible insurance applicable to the same loss covering such person as a named insured or as an agent or employee of a named insured under a policy with limits at least equal to the financial responsibility requirements specified in Section 16059 of the Vehicle Code; and in such event, the two or more policies shall not be construed as providing cumulative or concurrent coverage and only that policy which covers the liability of such person as a named insured, or as an agent or employee of a named insured, shall apply. In the event there is no such other valid and collectible insurance, the coverage afforded a person other than the named insured, his agent or employee, may be limited to the financial responsibility requirements specified in Section 16059 of the Vehicle Code.

(g) Nothing in this section nor in Section 16057 or 16450 of the Vehicle Code shall be construed to constitute a homeowner's policy as an "automobile liability policy" within the meaning of Section 16057 of said code nor as a "motor vehicle liability policy" within the meaning of Section 16450 of said code, notwithstanding that such homeowner's policy may provide automobile or motor vehicle liability coverage on insured premises or the ways immediately adjoining. For the purposes of this section, "homeowner's policy" means an insurance policy providing fire and other insurances covering either residence properties occupied by not more than four families and appurtenances, or the contents thereof other than merchandise, or both.

CHAPTER 619

An act to amend Section 4.4 of the Sacramento County Water Agency Act (Chapter 10 of the Statutes of 1952, First Extraordinary Session), relating to the Sacramento County Water Agency.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 4.4 of the Sacramento County Water Agency Act (Chapter 10 of the Statutes of 1952, First Extraordinary Session) is amended to read:

Sec. 4.4. The agency shall have the power to adopt and carry out any definite plan or system for accomplishing, facilitating or financing all work which may lawfully be accomplished by the agency and to enforce said plan or system by resolution or ordinance.

The agency shall have the power (1) to prescribe, revise and collect fees and charges for facilities furnished or to be furnished to any new building, improvement or structure by the use of any flood control, storm, or drainage system constructed or to be constructed in a zone of the agency, and (2) whenever a drainage or flood control problem is referred to the agency by the County of Sacramento, or any incorporated city therein, to require the installation of drainage or flood control improvements necessary or convenient for the needs of any zone, including but not limited to residential, subdivision, commercial and industrial drainage and flood control needs. The agency may make reimbursement agreements pursuant to which the agency may provide for owners or developers of property to install such improvements and for reimbursement of that part of the cost of such improvements in excess of any fees required with respect to the property of the owner or developer, and said agreements may provide for the agency to pay interest not to exceed 6 percent per

annum on the unpaid balance. The county and cities therein are hereby authorized to refer all drainage and flood control problems, arising under the Subdivision Map Act or otherwise, to the agency for solution. Revenues derived under this section shall be used (1) to acquire, construct, reconstruct, maintain and operate any of the flood control, storm water, or drainage facilities within the zone collecting the revenue, (2) to comply with any reimbursement agreement made for the acquisition, construction or reconstruction of any such facilities, (3) to reduce the principal or interest of any bonded indebtedness thereof, or (4) to replace funds expended on behalf of said zone derived from the funds created under the authority of subdivision 1 of Section 10.5 hereof.

The provisions of this section shall not apply to the financing, construction, acquisition, reconstruction, maintenance, operation, extending, repair or other improvement to any work or improvement designed or intended primarily for the production, conservation, transmittal, distribution and sale of ground and surface waters for the present or future beneficial use or uses of the lands or inhabitants within the agency or any zone thereof created for such purpose.

CHAPTER 620

An act to amend Section 3275 of the Fish and Game Code, relating to pheasant clubs.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 3275 of the Fish and Game Code is amended to read:

3275. A hunter using any licensed pheasant club shall have a daily, monthly, or seasonal permit, issued at the option of the operator, in his possession when hunting on the premises of such club.

Any hunter who has been issued a monthly or a seasonal permit for using any Zone A licensed pheasant club shall sign a daily register or log at the club headquarters prior to engaging in any hunting on each day that he hunts on the club.

Any Zone A licensee who issues a monthly or seasonal permit shall maintain the daily register or log of monthly or seasonal permittees at the club headquarters on shooting days, and shall require such permittees to sign the register or log prior to hunting. The daily register or log shall be on forms supplied by the department.

CHAPTER 621

An act to add Article 8 (commencing with Section 54220) to Chapter 5, Part 1, Division 2, Title 5 of the Government Code, relating to surplus unimproved land of state and local agencies.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Article 8 (commencing with Section 54220) is added to Chapter 5, Part 1, Division 2, Title 5 of the Government Code, to read:

Article 8. Surplus Unimproved Land

54220. The Legislature reaffirms its belief that there is an identifiable deficiency in the amount of recreational land available to the public and that surplus land, prior to disposition, should be made available for park and recreation purposes.

54221. (a) As used in this article, the term "local agency" means every city, whether organized under general law or by charter, county, city and county, and district empowered to acquire and hold real property.

(b) As used in this article the term "surplus land" means land owned by any agency of the state, or any local agency, that is determined to be no longer necessary for such agency's use, and which is capable of park or recreation development, except property being held by the agency for the purpose of exchange.

54222. Any agency of the state and any local agency disposing of surplus land shall first notify in writing the following entities of their intent to dispose of the property and offer such land for park or recreational purposes to the following entities at fair market value prior to disposal:

(a) To any park or recreation department of any city within which the land may be situated.

(b) To any park or recreation department of the county within which the land is situated.

(c) To any regional park authority having jurisdiction within the area in which the land is situated.

(d) To the State Resources Agency or any agency which may succeed to its powers.

54223. The entity desiring to purchase the surplus land for park or recreation use must notify the selling agency within 60 days of its intent to purchase the land after receipt of the agency's notification of intent to sell the land. If the entity desiring to purchase the land and the selling agency are unable to arrive at a mutually satisfactory sales price for said

land during the 60-day period, the land may be disposed of in the normal manner.

54224. Nothing in this article shall affect the validity of a transfer of title to real property.

CHAPTER 622

An act to amend Section 5782.18 of the Public Resources Code, relating to recreation and park districts.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 5782.18 of the Public Resources Code is amended to read:

5782.18. Each member of the district board may receive such sum as may be fixed by the board, not exceeding, twenty-five dollars ($25) for each meeting of the board attended by him, not exceeding two meetings in any calendar month.

CHAPTER 623

An act to amend Section 69503.1 of the Government Code, relating to court records.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 69503.1 of the Government Code is amended to read:

69503.1. Notwithstanding Section 69503 of the Government Code or any other law relating to the destruction of court records, the county clerk may cause to be destroyed any records, papers and exhibits in any superior court action or proceeding after 30 years have elapsed since the filing of any paper in the action or proceeding and when the records of the county clerk do not show that the action or proceeding is pending on appeal in any court, provided that minute book entries, minute books, judgment books, and registers of actions shall not be destroyed, unless microfilmed in accordance with the provisions of Section 69503 of the Government Code, and shall constitute for all purposes the record in lieu of the records, papers and exhibits destroyed. For the purposes of this section, "destroy" means destroy or dispose of for the purposes of destruction.

Prior to the disposition of such records the county clerk shall give notice of the proposed disposition to the Secretary of State, who shall have 60 days to request the transfer of the records. If the Secretary of State does not request the transfer of the records the county clerk may destroy them pursuant to this section.

This section shall not apply to the records of probate, real property, juvenile, criminal, or adoption actions or proceedings.

CHAPTER 624

An act to amend Section 13651.4 of the Education Code, relating to bereavement leave of absence.

[Approved by Governor July 16, 1968 Filed with Secretary of State July 16, 1968]

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

SECTION 1. Section 13651.4 of the Education Code is amended to read:

13651.4. Every person employed in the classified service of any school district shall be granted necessary leave of absence, not to exceed three days, or five days if out-of-state travel is required, on account of the death of any member of his immediate family. No deduction shall be made from the salary of such employee nor shall such leave be deducted from leave granted by other sections of this code or provided by the governing board of the district. The governing board may enlarge the benefits of this section and may expand the class of relatives listed below as members of the immediate family. Members of the immediate family, as used in this section, means the mother, father, grandmother, or grandfather of the employee or of the spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee, or any relative living in the immediate household of the employee.

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

CHAPTER 625

An act to add Sections 22521 and 22656 to the Vehicle Code, relating to parked vehicles.

[Approved by Governor July 16, 1968 Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 22521 is added to the Vehicle Code, to read:

22521. No person shall park a vehicle upon any railroad track or within 7½ feet of the nearest rail.

SEC. 2. Section 22656 is added to the Vehicle Code, to read:

22656. Any member of the California Highway Patrol or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer of a police department in a city in which a vehicle is located may remove a vehicle from a railroad right-of-way if the vehicle is parked upon any railroad track or within 7½ feet of the nearest rail.

CHAPTER 626

An act to amend Section 10605 of, and to add Sections 10605.1 and 10605.2 to, the Health and Safety Code, relating to fees for certified copies of records.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 10605 of the Health and Safety Code is amended to read:

10605. A fee of two dollars ($2) shall be paid by the applicant for a certified copy of a birth, fetal death, death, or marriage record.

SEC. 2. Section 10605.1 is added to the Health and Safety Code, to read:

10605.1. If the information supplied by the applicant is not sufficient to enable the State Registrar to supply the certified copy of any record for which application is made and the applicant, after written request by the State Registrar, does not furnish the necessary information within 30 days of the date of the request, the State Registrar shall retain the fee.

SEC. 3. Section 10605.2 is added to the Health and Safety Code, to read:

10605.2. Overpayment of the required fee received in the office of the State Registrar shall be retained, except any overpayment shall be refunded upon written request of the applicant within one year or when such overpayment is in excess of two dollars ($2).

CHAPTER 627

An act to amend Section 30145 of the Revenue and Taxation Code, relating to cigarette taxes.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 30145 of the Revenue and Taxation Code is amended to read:

30145. In lieu of a bond or bonds a distributor, under such conditions as the board may prescribe, may place with the board certificates of fully federally insured deposits of any bank or banks authorized to transact business in this state in an amount equivalent to the amount of the bond or bonds or may deposit with the State Treasurer any of the following: (a) an amount of lawful money equivalent to the amount of the bond or bonds; (b) obligations of the United States, the State of California, or any county or city and county of this state of an actual market value not less than the amount of the bond or bonds fixed by the board; or (c) investment certificates or share accounts, not exceeding the federally insured amount, in an amount equivalent to the amount of the bond or bonds, issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation.

CHAPTER 628

An act to amend Sections 35014 and 35313.1 of the Government Code, relating to tidelands annexations to cities.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 35014 of the Government Code is amended to read:

35014. No tidelands or submerged lands which are owned by the state or by its grantees in trust shall be annexed to a city except that portion of such tidelands or submerged lands encompassed within the seaward or waterward extensions of the existing land boundaries of the city, or of the proposed land boundaries of the territory being annexed as part of the same proceedings, extended from the point where the land boundaries intersect the shoreline at such an angle to the shoreline and following such a course or courses as may be approved by the State Lands Commission.

If any such tidelands or submerged lands shall be included within the boundaries of any territory proposed to be annexed to a city, a description of such boundaries, together with a map showing such boundaries, shall be filed with the State Lands Commission. Such filing shall be made prior to filing or taking any action under Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5. The State Lands Commission shall approve or disapprove all portions of the boundaries located upon such tidelands or submerged lands and in making such determination it shall, where feasible and appropriate, re-

quire such extensions of the land boundaries of the city to be at right angles to the general direction of the shoreline at each point of intersection of the shoreline with the land boundaries of the city, provided that, in the interest of insuring an orderly and equitable pattern of offshore boundaries, it may establish such other angle and such other courses for each such offshore boundary as it may deem necessary considering any irregularity of the shoreline, other geographical features, the effect of such offshore or submerged lands annexations on the uplands of the city and adjoining territory, and the existing and potential boundaries of other cities and of unincorporated communities.

Within 45 days after the filing of the boundary description and map with the State Lands Commission, said commission shall make a determination of the proper offshore or submerged lands boundaries. Said determination shall be final and conclusive. Failure to report within said time shall be deemed approval of the proposed offshore or submerged lands boundaries.

The costs incurred by the State Lands Commission in connection with making such determination shall be paid by the city.

The State Lands Commission shall report its determination to the city, to such other person or persons, if any, as shall have filed said boundary description and map, and to the executive officer of the local agency formation commission. Thereafter, filings and action may be taken pursuant to Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5. Pursuant to said Chapter 6.6 the local agency formation commission may review and make determinations as to all portions of the boundaries, other than said offshore or submerged lands boundaries.

For purposes of this section, submerged lands include but are not limited to lands underlying navigable waters irrespective of whether or not such waters are subject to tidal influences.

SEC. 2. Section 35313.1 of the Government Code is amended to read:

35313.1. When territory proposed to be annexed consists wholly or partly of tide or submerged lands owned by the state, the legislative body shall determine the value of such tide or submerged lands for the purposes of this article. For the purposes of such determination, the State Lands Commission shall fix the value of tide or submerged lands owned by the state and shall notify in writing the legislative body of its determination. The costs incurred by the State Lands Commission in connection with making such determination shall be paid by the city. The legislative body may be guided by the valuation as determined by the State Lands Commission, or it may refuse to do so. If the legislative body refuses to accept such valuation, it shall bring an action for declaratory relief, to which the State Lands Commission shall be a party, for a determination of the value of the lands. During the pendency

of such action further proceedings for annexation shall be stayed, and the valuation determined by the court shall be conclusive upon the legislative body.

The provisions of this section shall not apply to any proceedings for the annexation of territory commenced prior to June 1, 1957.

CHAPTER 629

An act to amend Section 739 of, and to repeal Sections 640 and 740 of, the Welfare and Institutions Code, relating to minors.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 739 of the Welfare and Institutions Code is amended to read:

739. (a) Whenever any person is taken into temporary custody under the provisions of Article 6 (commencing with Section 625) of this chapter and is in need of medical, surgical, dental, or other remedial care, the probation officer may, upon the recommendation of the attending physician, authorize the performance of such medical, surgical, dental, or other remedial care. The probation officer shall notify the parent, guardian, or person standing in loco parentis of the person, if any, of the care found to be needed before such care is provided, and if the parent, guardian, or person standing in loco parentis objects, such care shall be given only upon order of the court in the exercise of its discretion.

(b) Whenever it appears to the juvenile court that any person concerning whom a petition has been filed with the court is in need of medical, surgical, dental, or other remedial care, and that there is no parent, guardian, or person standing in loco parentis capable of authorizing or willing to authorize such remedial care or treatment for such person, the court, upon the written recommendation of a qualified physician and after due notice to the parent, guardian, or person standing in loco parentis, if any, may make an order authorizing the performance of the necessary medical, surgical, dental, or other remedial care for such person.

(c) Whenever a ward or dependent child of the juvenile court is placed by order of the court within the care and custody or under the supervision of the probation officer of the county in which the ward or dependent child resides and it appears to the court that there is no parent, guardian, or person standing in loco parentis capable of authorizing or willing to authorize medical, surgical, dental, or other remedial care or treatment for the ward or dependent child, the court may, after due notice to the parent, guardian, or person

standing in loco parentis, if any, order that the probation officer may authorize such medical, surgical, dental, or other remedial care for the ward or dependent child, by licensed practitioners, as may from time to time appear necessary.

(d) Whenever it appears that a minor otherwise within the provisions of subdivision (a), (b), or (c) requires immediate emergency medical, surgical, dental, or other remedial care, or whenever the probation officer cannot, with reasonable diligence, locate and notify the parent, guardian, or person standing in loco parentis of the need of the minor for such care, the court, upon the written recommendation of a duly licensed physician, may make an order authorizing, or the probation officer, upon the written recommendation of a duly licensed physician, may authorize, the performance of such care as is reasonably necessary under the circumstances, without notice to the parent, guardian, or person standing in loco parentis.

(e) In any case in which the court orders the performance of any medical, surgical, dental, or other remedial care pursuant to this section, the court may also make an order authorizing the release of information concerning such care to probation officers, parole officers, or any other qualified individuals or agencies caring for or acting in the interest and welfare of the minor under order, commitment, or approval of the court.

(f) Nothing in this section shall be construed as limiting the right of a parent, guardian, or person standing in loco parentis, who has not been deprived of the custody or control of the minor by order of the court, in providing any medical, surgical, dental, or other remedial treatment recognized or permitted under the laws of this state.

SEC. 2. Section 640 of the Welfare and Institutions Code is repealed.

SEC. 3. Section 740 of the Welfare and Institutions Code is repealed.

CHAPTER 630

An act to amend Section 17003 of, to add Sections 17004 and 23405 to, and to repeal Sections 23402 and 23403 of, and to repeal Chapter 4 (commencing with Section 23551), Chapter 5 (commencing with Section 23651), and Article 1 (commencing with Section 23951) of Chapter 7 of Division 10, and to repeal the heading of Article 2 (commencing with Section 23981) of Chapter 7 of Division 10, of the Agricultural Code, relating to livestock.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 17003 of the Agricultural Code is amended to read:

17003. Except for the provisions of the section, this chapter does not affect any law or regulation which is in force or which may be in force regarding estrays, the poundkeeper, or other pound officer within the limits of any city or county where laws regarding estrays are in force.

If no person appears and claims any impounded bovine animal, horse, mule, or burro within five days, the poundkeeper or other pound officer shall so notify the director. Upon receipt of such notice, the director shall take possession of any bovine animal and shall dispose of it pursuant to this chapter.

This section does not authorize any act which violates Section 597 of the Penal Code.

SEC. 1.5. Section 17004 is added to the Agricultural Code, to read:

17004. The director may take up estray animals whose owners are unknown and cannot be located.

SEC. 2. Section 23402 of the Agricultural Code is repealed.

SEC. 3. Section 23403 of the Agricultural Code is repealed.

SEC. 4. Section 23405 is added to the Agricultural Code, to read:

23405. Every slaughterer of horses, mules, or burros shall have on file in his office for a period of one year after slaughter the original bill of sale of the animals purchased and slaughtered by him.

SEC. 5. Chapter 4 (commencing with Section 23551) of Division 10 of the Agricultural Code is repealed.

SEC. 6. Chapter 5 (commencing with Section 23651) of Division 10 of the Agricultural Code is repealed.

SEC. 7. Article 1 (commencing with Section 23951) of Chapter 7 of Division 10 of the Agricultural Code is repealed.

SEC. 8. The heading of Article 2 (commencing with Section 23981) of Chapter 7 of Division 10 of the Agricultural Code is repealed.

CHAPTER 631

An act to amend Section 7456 of the Revenue and Taxation Code, relating to the Motor Vehicle Fuel License Tax Law.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 7456 of the Revenue and Taxation Code is amended to read:

7456. In lieu of a bond or bonds, under such conditions as the board may prescribe, a distributor may deposit with the State Treasurer (a) an amount of lawful money of the United States equivalent to the amount of the bond or bonds; (b) bonds or other obligations of the United States, the State of California, or any county or city and county of this state of

an actual market value not less than the amount of the bond or bonds fixed by the board; (c) certificates of deposit, not exceeding the federally insured amount, in an amount equivalent to the amount of the bond or bonds, issued by a bank doing business in the state and insured by the Federal Deposit Insurance Corporation; or (d) investment certificates or share accounts, not exceeding the federally insured amount, in an amount equivalent to the amount of the bond or bonds, issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation.

CHAPTER 632

An act to amend Section 32105 of the Revenue and Taxation Code, relating to the Alcoholic Beverage Tax Law.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 32105 of the Revenue and Taxation Code is amended to read:

32105. In lieu of a bond or bonds a taxpayer, under such conditions as the board may prescribe, may deposit with the State Treasurer any of the following: (a) an amount of lawful money equivalent to the amount of the bond or bonds; (b) bonds or other obligations of the United States, the State of California, or any county or city and county of this state of an actual market value not less than the amount of the bond or bonds fixed by the board; (c) certificates of deposit, not exceeding the federally insured amount, in an amount equivalent to the amount of the bond or bonds, issued by a bank doing business in this state and insured by the Federal Deposit Insurance Corporation; or (d) investment certificates or share accounts, not exceeding the federally insured amount, in an amount equivalent to the amount of the bond or bonds, issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation.

CHAPTER 633

An act to add Section 139.8 to the Civil Code, relating to orders of support.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 139.8 is added to the Civil Code, to read:

139.8. When a court orders a person to make specified payments for support of the other party for a contingent period of time, or to make specified payments for support of children during a child's minority, or until such child is married or otherwise emancipated, the liability of such person terminates upon the happening of such contingency. If the party or custodial parent, to whom payments are to be made, fails to notify the person ordered to make such payments, or the attorney of record of such person, of the happening of such contingency, and continues to accept support payments, such party or custodial parent must refund any and all moneys received which accrued after the happening of such contingency, except that such overpayments must first be applied to any and all support payments which are then in default. In addition to all other remedies provided by law for enforcement of this section, upon an order to show cause, the court may hold the offending party in contempt of court for failure to notify the person ordered to make such payments, or his attorney of record, of the happening of the contingency if an order was made in the original order for support that the party or custodial parent to whom payments are to be made notify the person ordered to make such payments, or his attorney of record, of the happening of such contingency.

CHAPTER 634

An act to amend Section 10554 of the Health and Safety Code, relating to filing fees for proceedings to establish records.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 10554 of the Health and Safety Code is amended to read:

10554. The fee for filing the petition shall be three dollars ($3), plus the law library fee of the county. In counties having more than one superior court judge, the petition may be heard by any judge thereof hearing probate matters, or if a probate department has been designated for hearing probate matters, the clerk shall assign the matter to the probate department for hearing.

CHAPTER 635

An act to amend Section 192 of the Water Code, relating to regional water resources planning.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 192 of the Water Code is amended to read:

192. (a) The members of the advisory committee shall annually elect one of their members as chairman.

(b) The advisory committee shall meet at the call of the chairman. The commission members and other representatives of the State of California concerned with formulating and recommending the state's position on proposed federal legislation or other actions involving regional water planning and the state's interests in interstate streams shall consult with and seek the advice of the advisory committee. The advisory committee shall, in addition, advise the commission members and the state's representatives and shall advise and make recommendations to the Governor and the Legislature as to matters concerning regional water planning and the state's interest in interstate streams. The advisory committee may receive testimony from the public on matters involving its responsibilities and may express its advice by resolution when appropriate. It is the intention of the Legislature that, so far as practicable, the commission members and the state's representatives will keep the advisory committee fully informed on all matters of policy and action involving any regional commission, proposed federal legislation, or other action involving regional water planning and the state's interest in interstate streams, prior to any action by the commission members or by the Governor's representatives.

(c) All meetings of the advisory committee shall be open and public.

(d) The existence of any such advisory committee shall automatically terminate 90 days after the commissions involved cease to function.

The provisions of this article are not intended to amend or impair the effectiveness of the policies or procedures of any state agency under existing law.

CHAPTER 636

An act to add Section 21298.5 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 21298.5 is added to the Government Code, to read:

21298.5. Notwithstanding Section 21298, the disability retirement allowance and the requirements for obtaining such allowance for a local safety member retired for nonindustrial disability under the contract of a contracting agency which includes only employees who are local safety members are the same as those for state members so retired.

Every disability retirement pension payable for time commencing on the operative date of this section to a local safety member retired prior to such operative date is hereby increased to the amount it would be if this section had been in effect on the date of retirement. No such retired member or his successors in interest, shall have any claim against the state or this system for any increase in any pension paid or payable for time prior to its operative date.

SEC. 2. This act shall become operative on the first day of the month following the month in which it becomes effective.

CHAPTER 637

An act to repeal Section 31050 of the Water Code, relating to county water districts.

[Approved by Governor July 16, 1968. Filed with Secretary of State July 16, 1968.]

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

SECTION 1. Section 31050 of the Water Code is repealed.

CHAPTER 638

An act to add Sections 506.1, 506.2, 506.3, 506.4, 506.5, 5163, 5163.1, 5163.2, 5163.3, and 5163.4 to the Public Resources Code, relating to tuberculosis tests.

[Approved by Governor July 17, 1968. Filed with Secretary of State July 17, 1968.]

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

SECTION 1. Section 506.1 is added to the Public Resources Code, to read:

506.1. No person shall be employed by the Department of Parks and Recreation in a position requiring contact with children, or as a food concessionaire or other licensed concessionaire in a state park, unless such person produces or has on file with the department a certificate showing that within the last two years such person has been examined and has been found to be free of communicable tuberculosis.

"Certificate" means a document signed by the examining physician and surgeon who is licensed under Chapter 5 (commencing with Section 2000), Division 2 of the Business and Professions Code, or a notice from a public health agency or unit of the tuberculosis association which indicates freedom from active tuberculosis.

SEC. 2. Section 506.2 is added to the Public Resources Code, to read:

506.2. The examination shall consist of at least an X-ray of the lungs, or an approved intradermal tuberculosis test, which, if positive, shall be followed by an X-ray of the lungs.

SEC. 3. Section 506.3 is added to the Public Resources Code, to read:

506.3. The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a licensed physician and surgeon.

SEC. 4. Section 506.4 is added to the Public Resources Code, to read:

506.4. The department shall maintain a file containing an up-to-date certificate for each person covered by Section 506.1.

SEC. 5. Section 506.5 is added to the Public Resources Code, to read:

506.5. Nothing in Sections 506.1 to 506.4, inclusive, shall prevent the department from requiring more extensive or more frequent examinations.

SEC. 6. Section 5163 is added to the Public Resources Code, to read:

5163. No person shall be employed in connection with a park, playground, recreational center, or beach used for recreational purposes by a city or county in a position requiring contact with children, or as a food concessionaire or other licensed concessionaire in such area, unless such person produces or has on file with the city or county a certificate showing that within the last two years such person has been examined and has been found to be free of communicable tuberculosis.

"Certificate" means a document signed by the examining physician and surgeon who is licensed under Chapter 5 (commencing with Section 2000), Division 2 of the Business and Professions Code, or a notice from a public health agency or unit of the tuberculosis association which indicates freedom from active tuberculosis.

SEC. 7. Section 5163.1 is added to the Public Resources Code, to read:

5163.1. The examination shall consist of at least an X-ray of the lungs, or an approved intradermal tuberculosis test, which, if positive, shall be followed by an X-ray of the lungs.

SEC. 8. Section 5163.2 is added to the Public Resources Code, to read:

5163.2. The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a licensed physician and surgeon.

SEC. 9. Section 5163.3 is added to the Public Resources Code, to read:

5163.3. The city or county shall maintain a file containing an up-to-date certificate for each person covered by Section 5163.

SEC. 10. Section 5163.4 is added to the Public Resources Code, to read:

5163.4. Nothing in Sections 5163 to 5163.3, inclusive, shall prevent the city or county from requiring more extensive or more frequent examinations.

CHAPTER 639

An act to add Sections 20527.5 and 21561 to the Water Code, relating to irrigation districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1968. Filed with Secretary of State July 17, 1968.]

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

SECTION 1. Section 20527.5 is added to the Water Code, to read:

20527.5. Notwithstanding Section 20527, or any other provision of law to the contrary, in the Jackson Valley Irrigation District every owner of real property within the district, but no others, may vote at elections for directors or otherwise. Such owners need not be residents of the district in order to qualify as voters. The last equalized assessment book of the district is conclusive evidence of ownership of the real property so owned, except that in the event that an assessment for a district shall not have been made and levied for the year in which the election is held or an equalized assessment book prepared, the last equalized county assessment roll shall be used in lieu of the assessment book of the district. Where land is owned in joint tenancy, tenancy in common, or any other multiple ownership, the owners of such land shall designate in writing which one of the owners shall be deemed the owner of such land for purposes of qualifying as a voter.

The legal representative of a corporation or estate owning real property may vote on behalf of such corporation or estate. As used in this section, legal representative means an

official of a corporation owning real property, and means a guardian, executor, or administrator of the estate of the holder of title to real property who:

(a) Is appointed under the laws of this state.

(b) Is entitled to the possession of the estate's real property.

(c) Is authorized by the appointing court to exercise the particular right, privilege, or immunity which he seeks to exercise.

Before a legal representative votes at a district election he shall present to the precinct board a certified copy of his authority which shall be kept and filed with the returns of the election.

SEC. 2. Section 21561 is added to the Water Code, to read:

21561. Notwithstanding Sections 21550 and 21551, or any other provision of law to the contrary, directors of the Jackson Valley Irrigation District shall be nominated and elected at large.

Notwithstanding Section 21265, or any other provision of law to the contrary, vacancies in the offices of directors of the Jackson Valley Irrigation District shall not be filled by appointment, but shall be filled by election. If the unexpired term of the office for which the vacancy exists is greater than six months, the board shall call a special district election on an at-large basis for the purpose of filling such vacancy.

This section shall not effect any change in the term of office of any incumbent on the effective date of this section, but the nomination and election to fill the office after expiration of the term of an incumbent shall be on an at-large basis.

SEC. 3. The provisions of this act are necessary because a substantial portion of the real property in the Jackson Valley Irrigation District is owned by persons not residents of the district; many of the residents of the district are not owners of real property within the district; and the owners and not the resident nonowners are primarily concerned with the affairs and support of the district. This problem is not common to all districts formed under the Irrigation District Law. It is therefore hereby declared that a general law cannot be made applicable and that the enactment of this section as a special law is necessary for the solution of problems existing in the Jackson Valley Irrigation District.

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:

It is essential that improvements in water and other services furnished to the area by the Jackson Valley Irrigation District be brought about in the most expeditious manner and at the earliest possible time, and therefore this act must be in effect immediately.

CHAPTER 640

An act to amend Sections 17056, and 17746 of, and to add Section 17059.5 to, the Revenue and Taxation Code, relating to personal income taxes, to take effect immediately, tax levy.

[Approved by Governor July 17, 1968. Filed with Secretary of State July 17, 1968.]

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

SECTION 1. Section 17056 of the Revenue and Taxation Code is amended to read:

17056. For the purposes of this part, the term "dependents" means any of the following individuals over half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer (or is treated under Section 17058 or 17059.5 as received from the taxpayer):

(a) A son or daughter of the taxpayer, or a descendant of either;

(b) A stepson or stepdaughter of the taxpayer;

(c) A brother, sister, stepbrother, or stepsister of the taxpayer;

(d) The father or mother of the taxpayer or an ancestor of either;

(e) A stepfather or stepmother of the taxpayer;

(f) A son or daughter of a brother or sister of the taxpayer;

(g) A brother or sister of the father or mother of the taxpayer;

(h) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer;

(i) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to Section 17060, of the taxpayer) who, for the taxable year of the taxpayer, has as his principal place of abode the home of the taxpayer and is a member of the taxpayer's household; or

(j) An individual who—

(1) Is a descendant of a brother or sister of the father or mother of the taxpayer,

(2) For the taxable year of the taxpayer receives institutional care required by reason of a physical or mental disability, and

(3) Before receiving such institutional care, was a member of the same household as the taxpayer.

SEC. 2. Section 17059.5 is added to the Revenue and Taxation Code, to read:

17059.5. (a) If—

(1) A child (as defined in Section 17054(c)(4)) receives over half of his support during the calendar year from his parents who are divorced or legally separated under a decree

of divorce or separate maintenance, or who are separated under a written separation agreement, and

(2) Such child is in the custody of one or both of his parents for more than one-half of the calendar year,

such child shall be treated, for purposes of Section 17056, as receiving over half of his support during the calendar year from the parent having custody for a greater portion of the calendar year unless he is treated, under the provisions of subdivision (b), as having received over half of his support for such year from the parent not having custody.

(b) The child of parents described in subdivision (a) shall be treated as having received over half of his support during the calendar year from the parent not having custody if—

(1) (A) The decree of divorce or of separate maintenance, or a written agreement between the parents applicable to the taxable year beginning in such calendar year, provides that the parent not having custody shall be entitled to any credit allowable under Section 17054 for such child, and

(B) Such parent not having custody provides at least six hundred dollars ($600) for the support of such child during the calendar year, or

(2) (A) The parent not having custody provides one thousand two hundred dollars ($1,200) or more for the support of such child (or if there is more than one such child, one thousand two hundred dollars ($1,200) or more for all of such children) for the calendar year, and

(B) The parent having custody of such child does not clearly establish that he provided more for the support of such child during the calendar year than the parent not having custody.

For the purposes of this subdivision, amounts expended for the support of a child or children shall be treated as received from the parent not having custody to the extent that such parent provided amounts for such support.

(c) If a taxpayer claims that subdivision (b)(2) applies with respect to a child for a calendar year and the other parent claims that subdivision (b)(2)(A) is not satisfied or claims to have provided more for the support of such child during such calendar year than the taxpayer, each parent shall be entitled to receive, under regulations to be prescribed by the Franchise Tax Board, an itemized statement of the expenditures upon which the other parent's claim of support is based.

(d) The provisions of this section shall not apply in any case where over half of the support of the child is treated as having been received from a taxpayer under the provisions of Section 17058.

(e) The Franchise Tax Board shall prescribe such regulations as may be necessary to carry out the purposes of this section.

SEC. 3. Section 17746 of the Revenue and Taxation Code is amended to read:

17746. Amounts allowable, under Section 13988 or 13988.1 of this code, as a deduction in determining the net amount subject to inheritance tax shall not be allowed as a deduction in computing the taxable income of the estate, or of any other person, unless there is filed, within the time and in the manner and form prescribed by the Franchise Tax Board, a statement that the amounts have not been allowed as deductions under Section 13988 or 13988.1 and a waiver of the right to have such amounts allowed at any time as deductions under Section 13988 or 13988.1. This section shall not apply with respect to deductions allowed under Article 7 (relating to income in respect of decedents).

SEC. 4. The provisions of this act effecting changes in the computation of taxes shall be applied to taxable years beginning on and after January 1, 1968. The other provisions will be applied on and after the effective date of this act.

SEC. 5. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 641

An act to amend Section 986.1 of the Military and Veterans Code, relating to the Veterans' Farm and Home Purchase Act of 1943.

[Approved by Governor July 17, 1968. Filed with Secretary of State July 17, 1968.]

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

SECTION 1. Section 986.1 of the Military and Veterans Code is amended to read:

986.1. (a) If a veteran dies after filing his application for a farm or a home, and his application setting forth his eligibility and qualifications is subsequently approved, his widow may, in the discretion of the department, succeed to his rights under the application, and may be entitled to the rights, privileges, and benefits under this article that would have been his, but for his death. The contract of purchase which the department otherwise would have made with such veteran may be made with his widow.

(b) If a man was a member of the armed forces on active military duty, entered active duty while in the State of California and lived in this state for six months immediately preceding his entry into active duty and was killed in line of duty while on active duty, he shall be considered to be a "veteran" for the purposes of this article, and his unremarried widow may file an application, may be entitled to the same rights, privileges and benefits and may contract with the department as provided in the case of a widow under the provisions of subdivision (a) of this section.

CHAPTER 642

An act to amend Section 36516 of the Government Code, relating to local government.

[Approved by Governor July 17, 1968 Filed with Secretary of State July 17, 1968]

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

SECTION 1. Section 36516 of the Government Code is amended to read:

36516. A city council may enact an ordinance providing that each member of the city council shall receive a salary, the amount of which shall be determined by the following schedule:

(a) In cities up to and including 5,000 in population, seventy-five dollars ($75) per month;

(b) In cities over 5,000 up to and including 35,000 in population, one hundred fifty dollars ($150) per month;

(c) In cities over 35,000 up to and including 50,000 in population, two hundred dollars ($200) per month;

(d) In cities over 50,000 up to and including 75,000 in population, two hundred fifty dollars ($250) per month.

(e) In cities over 75,000 in population, three hundred dollars ($300) per month.

For the purposes of this section the population shall be determined by the estimates of population made by the Department of Finance.

In a city changing from a lower to a higher population group as provided in this section, the amount of compensation shall be determined by the latest estimate of population made by the Department of Finance or as provided in Sections 2107, 2107.1 and 2107.2 of the Streets and Highways Code.

Compensation of councilmen may be increased beyond the amount provided in this section or decreased below such amount by an affirmative vote by the majority of the electors of the city voting at any municipal election.

CHAPTER 643

An act to add Section 15503.5 to the Education Code, relating to school buildings.

[Approved by Governor July 17, 1968 Filed with Secretary of State July 17, 1968]

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

SECTION 1. Section 15503.5 is added to the Education Code, to read:

15503.5. "School building" as used in this article, and as used in Section 15452 with reference to buildings existing on

the date of the enactment of such section, excludes any building which is used exclusively for warehouse, storage, garage, or districtwide administrative office purposes and into which pupils are not required to enter.

CHAPTER 644

An act to amend Sections 25502.3 and 25502.4 of the Government Code, relating to county purchasing.

[Approved by Governor July 17, 1968. Filed with Secretary of State July 17, 1968.]

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

SECTION 1. Section 25502.3 of the Government Code is amended to read:

25502.3. In counties having a population of 168,500 or less, according to the 1960 federal census, the purchasing agent shall have the duty to engage independent contractors to perform services for the county and the offices thereof, with or without the furnishing of material, where the aggregate cost does not exceed two thousand dollars ($2,000).

SEC. 2. Section 25502.4 of the Government Code is amended to read:

25502.4. In counties having a population of less than 900,000 but more than 168,500, the purchasing agent shall have the duty to engage independent contractors to perform services for the county and the offices thereof, with or without the furnishing of material, where the aggregate cost does not exceed six thousand five hundred dollars ($6,500).

CHAPTER 645

An act to amend Sections 214 and 254.5 of the Revenue and Taxation Code, relating to property tax exemptions.

[Approved by Governor July 17, 1968. Filed with Secretary of State July 17, 1968.]

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

SECTION 1. Section 214 of the Revenue and Taxation Code is amended to read:

214. Property used exclusively for religious, hospital, scientific, or charitable purposes owned and operated by community chests, funds, foundations or corporations organized and operated for religious, hospital, scientific, or charitable purposes is exempt from taxation if:

(1) The owner is not organized or operated for profit; provided, that in the case of hospitals, such organization shall not

be deemed to be organized or operated for profit, if during the immediate preceding fiscal year the excess of operating revenues, exclusive of gifts, endowments and grants-in-aid, over operating expenses shall not have exceeded a sum equivalent to 10 percent of such operating expenses. As used herein, operating expenses shall include depreciation based on cost of replacement and amortization of, and interest on, indebtedness;

(2) No part of the net earnings of the owner inures to the benefit of any private shareholder or individual;

(3) The property is used for the actual operation of the exempt activity, and does not exceed an amount of property reasonably necessary to the accomplishment of the exempt purpose;

(4) The property is not used or operated by the owner or by any other person so as to benefit any officer, trustee, director, shareholder, member, employee, contributor, or bondholder of the owner or operator, or any other person, through the distribution of profits, payment of excessive charges or compensations or the more advantageous pursuit of their business or profession;

(5) The property is not used by the owner or members thereof for fraternal or lodge purposes, or for social club purposes except where such use is clearly incidental to a primary religious, hospital, scientific, or charitable purpose;

(6) The property is irrevocably dedicated to religious, charitable, scientific, or hospital purposes and upon the liquidation, dissolution or abandonment of the owner will not inure to the benefit of any private person except a fund, foundation or corporation organized and operated for religious, hospital, scientific, or charitable purposes;

(7) The property, if used exclusively for scientific purposes, is used by a foundation or institution which, in addition to complying with the foregoing requirements for the exemption of charitable organizations in general, has been chartered by the Congress of the United States (except that this requirement shall not apply when the scientific purposes are medical research), and whose objects are the encouragement or conduct of scientific investigation, research and discovery for the benefit of the community at large.

The exemption provided for herein shall be known as the "welfare exemption." This exemption shall be in addition to any other exemption now provided by law. This section shall not be construed to enlarge the college exemption. Property used exclusively for school purposes of less than collegiate grade and owned and operated by religious, hospital or charitable funds, foundations or corporations, which property and funds, foundations or corporations meet all of the requirements of this section, shall be deemed to be within the exemption provided for in Section 1c of Article XIII of the Constitution of the State of California and this section.

Property used exclusively for nursery school purposes and owned and operated by religious, hospital or charitable funds,

foundations or corporations, which property and funds, foundations or corporations meet all the requirements of this section, shall be deemed to be within the exemption provided for in Section 1c of Article XIII of the Constitution of the State of California and this section.

Property used exclusively for a noncommercial educational FM broadcast station or an educational television station and owned and operated by religious, hospital, scientific or charitable funds, foundations or corporations meeting all of the requirements of this section, shall be deemed to be within the exemption provided for in Section 1c of Article XIII of the Constitution of the State of California and this section.

Property used exclusively for housing and related facilities for elderly or handicapped families and financed by the federal government pursuant to Section 202 of Public Law 86-372 (12 U.S.C. 1701q), as amended, and owned and operated by religious, hospital, scientific or charitable funds, foundations or corporations meeting all of the requirements of this section shall be deemed to be within the exemption provided for in Section 1c of Article XIII of the Constitution of the State of California and this section.

SEC. 2. Section 254.5 of the Revenue and Taxation Code is amended to read:

254.5. Affidavits for the welfare exemption shall be filed in duplicate on or before March 15 of each year with the assessor concerned and shall be accompanied by duplicate certified copies of the financial statements of the owner and operator. Copies of the affidavits and financial statements shall be forwarded not later than April 1 by the assessor with his recommendations for approval or denial to the board which shall review all such affidavits and statements and may institute an independent audit or verification of the operations of the owner and operator to ascertain whether both the owner and operator meet the requirements of Sections 214 and 215 of the Revenue and Taxation Code. In this connection the board shall consider, among other matters, whether:

(a) The services and expenses of the owner or operator (including salaries) are excessive, based upon like services and salaries in comparable public institutions;

(b) The operations of the owner or operator, either directly of indirectly, materially enhance the private gain of any individual or individuals;

(c) Any capital investment of the owner or operator for expansion of physical plant is justified by the contemplated return thereon, and required to serve the interests of the community.

(d) The property on which exemption is claimed is used for the actual operation of an exempt activity and does not exceed an amount of property reasonably necessary to the accomplishment of the exempt purpose.

The board shall make a finding as to the eligibility of each applicant and the applicant's property and shall forward

its finding to the assessor concerned not later than June 1. The assessor may deny the claim of an applicant the board finds eligible but may not grant the claim of an applicant the board finds ineligible.

SEC. 3. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1967 or 1968 on property financed pursuant to Section 1701q of Title 12 of the United States Code and as to which the welfare exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

SEC. 4. The Legislature finds and declares that there has been some misconception concerning the scope of the welfare exemption from property taxation among tax officials. The overwhelming majority of assessors and the State Board of Equalization have ruled that property financed by the federal government pursuant to Section 1701q of Title 12 of the United States Code, which is owned and operated by nonprofit corporations to provide housing and related facilities for elderly or handicapped families, comes within the welfare exemption from property taxation. However, some assessors have not so determined, and this has caused inequality in that this property is assessed in some parts of the state and not in others.

If obligated to pay taxes on this property, the purpose for which these nonprofit corporations have been established—to provide low-cost rentals to elderly and handicapped families—will be defeated, as the amount of tax added to the rent payments will make such rental units too expensive for the families which need them most. This act will remedy the situation by, in effect, making clear that the Legislature intends that the welfare exemption from property taxation shall apply to such property. In so doing, the public policy of the state as expressed in Section 1c of Article XIII of the Constitution will be fulfilled and the state as a whole will benefit.

CHAPTER 646

An act to amend Sections 15505 and 15511 of, the Education Code, relating to public school buildings.

[Approved by Governor July 17, 1968. Filed with Secretary of State July 17, 1968.]

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

SECTION 1. Section 15505 of the Education Code is amended to read:

15505. If the district does not have sufficient funds available to permit the governing board of the district to proceed with the repair, reconstruction, or replacement of the building or buildings, the governing board shall within six months after receiving the report of the examination of the building or buildings, call an election. At such election there shall be submitted to the qualified electors of the district either proposition (a) or (b), or both proposition (a) and (b), as determined by the governing board of the district, as follows:

(a) (1) Authorization of bonds of the district in an amount sufficient, as shown by the estimate, to provide funds for the repair, or reconstruction, of the building or buildings, in accordance with the governing board's plan; or

(2) Authorization of bonds of the district in an amount sufficient as shown by the estimate obtained by the district to construct new school facilities on the site of one or more of the unfit building or buildings, or on other sites, in accordance with the governing board's plan.

(b) Authorization of the increase of the maximum tax rate of the district for such length of time as will permit raising sufficient funds by district taxation for the repair, reconstruction, or replacement of the building in accordance with the governing board's plan.

In connection with the submission of either proposition (a) or (b), or both propositions (a) and (b), the governing board of the district may submit to the qualified electors of the district a proposition for the abandonment of the building and the use of tents or other temporary structures for school purposes in lieu of the building abandoned.

Neither of the propositions under (a) and (b) shall be required to make provision for financing of the entire repair, reconstruction or replacement program of the district, but shall at least provide funds for commencement of such repair, reconstruction or replacement, consistent with the governing board's plan.

SEC. 2. Section 15511 of the Education Code is amended to read:

15511. If at the election, no proposition which is required to be submitted to the qualified electors is approved and authorized, the governing board of the district shall, in accordance with the same or a modified plan, submit either the proposition to authorize the issuance of bonds, or the proposition to increase the tax rate, or both, no later than five years following the last submission of either or both of these propositions to the qualified electors of the district. The result of the voting on the proposition to authorize the use of tents or other temporary structures shall be considered by the governing board as an advisory vote, and the tents or other temporary structures may be used for school purposes to the extent that such use is deemed necessary by the governing board.

CHAPTER 647

An act to amend Section 40302 of the Vehicle Code, relating to arrest procedure.

[Approved by Governor July 17, 1968. Filed with Secretary of State July 17, 1968.]

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

SECTION 1. Section 40302 of the Vehicle Code is amended to read:

40302. Whenever any person is arrested for any violation of this code, not declared to be a felony, the arrested person shall be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made in any of the following cases:

(a) When the person arrested fails to present his driver's license or other satisfactory evidence of his identity for examination.

(b) When the person arrested refuses to give his written promise to appear in court.

(c) When the person arrested demands an immediate appearance before a magistrate.

(d) When the person arrested is charged with violating Section 23102, 23102.5, or 23106.

CHAPTER 648

An act to add Section 13656.2 to the Education Code, relating to holidays for classified employees.

[Approved by Governor July 17, 1968. Filed with Secretary of State July 17, 1968.]

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

SECTION 1. Section 13656.2 is added to the Education Code, to read:

13656.2. Prior to July 1 of any school year, the governing board of any school district may designate other days during such year as the holidays to which classified employees are entitled in lieu of the holidays on February 12, February 22, May 30, September 9, or November 11 as specified in Section 13656, provided that such designated days will provide for at least a three-day weekend. Classified employees shall be required to work on the regular holiday for which another day is designated pursuant to this section, and for work of eight hours or less, shall be paid compensation at their regular rate of pay.

If any classified employee would be entitled to the regular paid holiday but would not be in a paid status during any portion of the working day immediately preceding or succeeding the day so designated in lieu of such holiday and therefore would not be entitled to such day in lieu of the holiday, he shall be entitled to the regular holiday; however, if he is required to work on such holiday, he shall be paid compensation at the rate of time and one-half of his regular rate of pay in addition to the regular pay received for the holiday.

This section shall not be construed to authorize the maintenance of schools on holidays other than as provided in Article 3 (commencing with Section 5201) of Chapter 2 of Division 6 of this code.

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

CHAPTER 649

An act to add Section 5.7 to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), relating to the Kern County Water Agency.

[Approved by Governor July 17, 1968. Filed with Secretary of State July 17, 1968.]

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

SECTION 1. Section 5.7 is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 5.7. Notwithstanding any provision of this act to the contrary, the Kern County Water Agency shall not sell or deliver water to any district or water company lying within a part of the Antelope Valley-East Kern Water Agency for delivery or use within the Antelope Valley-East Kern Water Agency, nor shall the property and inhabitants within the Antelope Valley-East Kern Water Agency be subject to any tax levied by the Kern County Water Agency for the purpose of making payments pursuant to its contract with the State of California made under the provisions of the California Water Resources Development Bond Act.

SEC. 2. Nothing in Section 1 hereof shall be construed to influence in any way consideration by the Legislature, or any committee thereof, concerning the levy of a tax pursuant to Section 14 of the Kern County Water Agency Act or the allocation of the proceeds of such tax.

CHAPTER 650

An act to add Article 2.7 (commencing with Section 53245) to Chapter 2, Part 1, Division 2, Title 5, of the Government Code, relating to compensation of employees.

[Approved by Governor July 17, 1968. Filed with Secretary of State July 17, 1968.]

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

SECTION 1. Article 2.7 (commencing with Section 53245) is added to Chapter 2, Part 1, Division 2, Title 5 of the Government Code, to read:

Article 2.7. Salary Warrants and Checks

53245. Any person now or hereafter employed by a county, city, municipal corporation, district, or other public agency may file with his appointing power a designation of a person who, notwithstanding any other provision of law, shall, on the death of the employee, be entitled to receive all warrants or checks that would have been payable to the decedent had he survived. The employee may change the designation from time to time. A person so designated shall claim such warrants or checks from the appointing power. On sufficient proof of identity, the appointing power shall deliver the warrants or checks to the claimant. A person who receives a warrant or check pursuant to this section is entitled to negotiate it as if he were the payee.

CHAPTER 651

An act to amend Section 6075 of the Harbors and Navigation Code, relating to harbor districts.

[Approved by Governor July 17, 1968. Filed with Secretary of State July 17, 1968.]

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

SECTION 1. Section 6075 of the Harbors and Navigation Code is amended to read:

6075. Notwithstanding the provisions of Section 6012, it may acquire, construct, own, operate, control, or develop any and all harbor works or facilities within the limits of its established boundaries. No interest in lands may be acquired, either by lease, purchase, or the exercise of the power of eminent domain within any port district, chartered port, harbor improvement district, incorporated city, or recreational harbor district without the prior consent to such acquisition by resolution of the governing body of each district, port, or city in which the lands are located.

CHAPTER 652

An act to amend Section 13580 of the Education Code, relating to classified school employees.

[Approved by Governor July 17, 1968 Filed with Secretary of State July 17, 1968.]

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

SECTION 1. Section 13580 of the Education Code is amended to read:

13580. Articles 1 through 4, inclusive, of this chapter, and the applicable provisions of Chapter 1 (commencing with Section 12901) of this division shall apply to all classified employees of a school district, including those authorized in Sections 934, 945 and 949, of this code, whether a merit or nonmerit system district as authorized by this chapter unless the section specifically limits its application to nonmerit system districts. These provisions shall also apply to all persons a part of the classified service who are employed in the office of a county superintendent of schools and whose salaries are paid out of the county school service fund regardless of the origin of such fund moneys and to all persons employed by any entity created or established by any two or more school districts exercising any joint power conferred by law upon such districts.

These provisions shall not apply to employees of a school district lying wholly within a city and county which provides in its charter for a merit system of employment for employees employed in positions not requiring certification qualifications.

The positions authorized in Sections 934, 945 and 949 may, by resolution of a governing board, be exempted from the provisions of Article 5 (commencing with Section 13701) of this chapter.

For the purposes of this section the words "school district" shall be deemed to include a regional occupational center established and maintained by two or more school districts pursuant to Chapter 14 (commencing with Section 7450) of Division 6 of this code, and Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code. It shall also be deemed to include any other entity established by two or more school districts pursuant to the latter citation.

CHAPTER 653

An act to amend Section 25611.1 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 17, 1968 Filed with Secretary of State July 17, 1968.]

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

SECTION 1. Section 25611.1 of the Business and Professions Code is amended to read:

25611.1. Any manufacturer, winegrower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of any such person, may furnish, give, lend or rent:

(a) Signs relating to wine or distilled spirits, each of which shall not exceed 630 square inches, for interior use in premises where alcoholic beverages are sold for consumption on the premises.

(b) Except as limited in subdivision (a) of this section, signs for interior use in premises where alcoholic beverages are sold for consumption on or off the premises. Signs relating to malt beverage advertising the beer manufacturer's product principally bearing a conspicuous notice of the manufacturer's name, brand name, trade name, slogans, markings, trademarks, or other symbols commonly associated with and generally used by the manufacturer in identifying the manufacturer's name or product, with or without other graphic or pictorial advertising representations, whether or not illuminated or mechanized, including but not limited to posters, placards, stickers, decals, shelf strips, wall panels, plaques, shadow boxes, mobiles, dummy bottles, bottle toppers, case wrappers, brand-identifying statuettes, tap markers and table tents. Such signs for interior use on licensed premises selling malt beverages shall not be deemed of intrinsic or utilitarian value.

(c) Such signs or other advertising matter for exterior use on any licensed premises as may be permitted by this division and rules of the department adopted pursuant thereto.

CHAPTER 654

An act to amend Sections 70046 and 70055 of the Government Code, relating to court reporters.

[Approved by Governor July 17, 1968. Filed with Secretary of State July 17, 1968.]

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

SECTION 1. Section 70046 of the Government Code is amended to read:

70046. In a county with a population of 503,000 or more and under 600,000, as determined by the 1960 Federal Decennial Census, each regular official reporter shall be paid an annual salary of twelve thousand five hundred dollars ($12,500), and each pro tempore official reporter shall be paid forty-five dollars ($45) a day for the days he actually is on duty under order of the court.

SEC. 2. Section 70055 of the Government Code is amended to read:

70055. In a county with a population of 503,000 or more and under 600,000, as determined by the 1960 Federal Decennial Census, the fee required by Section 70053 shall be ten dollars ($10).

CHAPTER 655

An act to amend Section 18163 of the Streets and Highways Code, relating to street lighting.

[Approved by Governor July 17, 1968. Filed with Secretary of State July 17, 1968.]

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

SECTION 1. Section 18163 of the Streets and Highways Code is amended to read:

18163. A certified copy of the resolution ordering the proposed improvement and the map or plat of the district referred to in Section 18161 shall be filed with each assessor whose roll is used for the levy, and with the State Board of Equalization. Compliance with this section shall be sufficient to meet the requirements of Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5, of the Government Code. The map or plat shall show the precise location of the boundaries of the district and any zones thereof, and shall contain such information and data necessary to locate and retrace any and all such boundary lines, or shall be accompanied by a statement setting forth a legal description of such boundaries. Thereafter the assessor in making up the city assessment roll shall segregate the property included within the district on the assessment roll under the district designation contained in the resolution.

CHAPTER 656

An act to amend Section 5201 of the Education Code, relating to school holidays.

[Approved by Governor July 17, 1968. Filed with Secretary of State July 17, 1968.]

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

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

5201. Except as otherwise provided the public schools shall continue in session or close on holidays as follows:

(a) The public schools shall close on Saturday, Sunday, January 1st, February 12th, February 22nd, May 30th, July 4th, September 9th, November 11th, and December 25th.

(b) The Governor in appointing any other day for a public fast, thanksgiving, or holiday may provide whether the public schools shall close on the day. If the Governor does not provide whether the public schools shall close, they shall continue in session on all special or limited holidays appointed by the Governor, but shall close on all other days appointed by the Governor for a public fast, thanksgiving, or holiday.

(c) The public schools shall close on every day appointed by the President as a public fast, thanksgiving, or holiday, unless it is a special or limited holiday.

(d) The public schools shall continue in session on all legal holidays other than those designated by or pursuant to this section and shall hold proper exercises commemorating the day.

(e) When any of the holidays on which the schools would be closed fall on Sunday, the public schools shall close on the Monday following.

(f) When any of the holidays on which the schools would be closed fall on Saturday, the public school shall close on the preceding Friday.

CHAPTER 657

An act to repeal Section 4352 of the Penal Code, relating to blood donations by prisoners.

[Approved by Governor July 17, 1968 Filed with Secretary of State July 17, 1968]

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

SECTION 1. Section 4352 of the Penal Code is repealed.

CHAPTER 658

An act to amend Section 18504 of the Health and Safety Code, relating to mobilehome park fees penalties.

[Approved by Governor July 17, 1968 Filed with Secretary of State July 17, 1968]

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

SECTION 1. Section 18504 of the Health and Safety Code is amended to read:

18504. Any person violating the provisions of this chapter shall pay double the fees prescribed in this chapter, except that the fees for an annual permit to operate submitted on or before January 31 of each year are not subject to penalty. The fees for a permit to operate submitted on or after February 1 but before March 1 of each year are subject to a 10 percent penalty fee. The fees for a permit to operate submitted on or after March 1 of each year are subject to the double fees.

CHAPTER 659

An act to amend Section 51292 of the Government Code, relating to the California Land Conservation Act of 1965.

[Approved by Governor July 17, 1968 Filed with Secretary of State July 17, 1968]

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

SECTION 1. Section 51292 of the Government Code is amended to read:

51292. (a) No public agency or person shall locate a public improvement within an agricultural preserve based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve.

(b) No public agency or person shall acquire prime agricultural land covered under a contract or agreement pursuant to this chapter for any public improvement if there is other land within or outside the preserve on which it is reasonably feasible to locate the public improvement.

CHAPTER 660

An act to add Section 1637.5 to the Elections Code, relating to precinct officers.

[Approved by Governor July 17, 1968 Filed with Secretary of State July 17, 1968]

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

SECTION 1. Section 1637.5 is added to the Elections Code, to read:

1637.5. If the inspector ceases to act, a majority of the remaining members of the precinct board may appoint a substitute.

CHAPTER 661

An act to amend Sections 11564 and 11568 of, and to repeal Section 11569 of, the Elections Code, relating to election campaigns.

[Approved by Governor July 17, 1968 Filed with Secretary of State July 17, 1968]

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

SECTION 1. Section 11564 of the Elections Code is amended to read:

11564. Candidates for office to be filled by the voters of the state or of any political division greater than a county, for Members of the Senate or Assembly, Representative in Congress, members of the State Board of Equalization, or judge

of the superior court, and treasurers of committees for such candidates, shall file one copy of their campaign statements in the office of the Secretary of State and one copy with the clerk of the county in which the candidate resides.

Candidates for all other offices, except municipal offices, and treasurers of committees for those candidates, shall file one copy of their campaign statements in the office of the clerk of the county wherein the election is held.

Notwithstanding any provision of law to the contrary, the treasurer of the state central committee of each political party shall file a campaign statement only in the office of the Secretary of State.

SEC. 2. Section 11568 of the Elections Code is amended to read:

11568. Candidates for municipal offices and treasurers of committees for those candidates shall file their campaign statements, or written declarations as required in Section 11561, in the office of the clerk of the city in which the election is held.

SEC. 3. Section 11569 of the Elections Code is repealed.

CHAPTER 662

An act to amend Sections 12000, 12001, 12003, 12089, 12090, 12106, and 12120 of, and to add Section 12091 to, the Health and Safety Code, relating to explosives.

[Approved by Governor July 17, 1968. Filed with Secretary of State July 17, 1968.]

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

SECTION 1. Section 12000 of the Health and Safety Code is amended to read:

12000. For the purposes of this part, the term "explosives" shall mean any substance, or combination of substances, that is commonly used for the purpose of detonation and which, upon exposure to any external force or condition, is capable of a relatively instantaneous release of gas and heat. The term "explosives" shall include, but shall not necessarily be limited to, all of the following:

(a) Substances determined to be class A and class B explosives as classified by the United States Department of Transportation.

(b) Nitro carbo nitrate substances (blasting agent) as classified by the United States Department of Transportation.

(c) Any material designated as an explosive by the State Fire Marshal. Such designation shall be made pursuant to the classification standards established by the United States Department of Transportation. The State Fire Marshal shall adopt regulations in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title

2 of the Government Code to establish procedures for the classification and designation of explosive materials or explosive devices that are not under the jurisdiction of the United States Department of Transportation.

(d) Certain class C explosives as designated by the United States Department of Transportation when listed in regulations adopted by the State Fire Marshal.

SEC. 2. Section 12001 of the Health and Safety Code is amended to read:

12001. This part does not apply to any of the following:

(a) Any person engaged in the transportation of explosives regulated by, and when subject to, the provisions of Division 14 (commencing with Section 31600) of the Vehicle Code.

(b) Small arms ammunition of .75 caliber or less when designated as a class C explosive by the United States Department of Transportation.

(c) Fireworks regulated under Part 2 (commencing with Section 12500) of this division.

(d) Any explosives while in the course of transportation via railroad, aircraft, water, or highway when the explosives are in actual movement and under the jurisdiction of and in conformity with regulations adopted by the United States Department of Transportation, United States Coast Guard, or the Federal Aviation Agency. However, no explosives shall be sold, given away, or delivered except as provided in Section 12120.

(e) Special fireworks classified by the United States Department of Transportation as class B explosives when such special fireworks are regulated under Part 2 (commencing with Section 12500) of this division.

SEC. 3. Section 12003 of the Health and Safety Code is amended to read:

12003. "Chief" means the State Forester and his authorized representatives, the chief of a fire department or fire protection agency maintained by a city, county, or city and county, or fire protection district and his authorized representatives, or the authorized representative of the United States Forest Service. In any area of the state in which there exists no organized fire protection agency responsible for the protection of the area, "chief," for the purpose of this part only, shall mean the county sheriff and his authorized representatives.

On any property that is owned by the state the "chief," for the purpose of this part, shall be the official of the fire protection agency responsible for the suppression of fires in the area. On any state property where there is no fire protection agency responsible for the suppression of fires, the "chief," for the purpose of this part, shall be the State Fire Marshal.

Upon request of the State Forester, the chief of a fire department or fire protection agency, or upon request of the county sheriff the governing body of the area under the jurisdiction of such requesting chief or sheriff may designate any person as "chief" for the purposes of this part.

SEC. 4. Section 12089 of the Health and Safety Code is amended to read:

12089. Except when transporting explosives received under Section 12102 of this code, every motor vehicle used in the transportation of explosives and which is subject to this part, shall have displayed thereon, signs conforming to the regulations of the United States Department of Transportation.

SEC. 5. Section 12090 of the Health and Safety Code is amended to read:

12090. There shall not be included in any cargo of explosives any flammable liquids, acids, or corrosive liquids, oxidizers, or combustible materials, other than the explosives themselves, which may have such characteristics. Blasting caps or detonators shall not be transported upon the same vehicle with other explosives. The foregoing provisions of this section shall be subject to such exceptions as are permitted by the regulations of the United States Department of Transportation.

SEC. 6. Section 12091 is added to the Health and Safety Code, to read:

12091. Electric blasting caps or electric detonators shall not be transported upon any vehicle equipped with a two-way radio unless such devices have been tested and proved safe for such transportation by laboratory approved by the State Fire Marshal.

SEC. 7. Section 12106 of the Health and Safety Code is amended to read:

12106. When required by and in amounts set forth in local ordinance, applicant for a permit for explosives shall submit evidence that the applicant has a minimum and specified amount of funds available for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any legal judgment results.

Such evidence, when required, shall be a bond issued by an authorized surety company or a public liability insurance policy or cash or other evidence of financial security acceptable to the State Fire Marshal. The minimum amount of any such bond or insurance policy shall be determined by the appropriate chief.

The provisions of this section do not apply to any public entity as defined in Section 811.2 of the Government Code.

SEC. 8. Section 12120 of the Health and Safety Code is amended to read:

12120. No person shall knowingly sell, give away, deliver, or otherwise dispose of any explosive to any person who does not possess a valid permit as required pursuant to Section 12101.

The provisions of this section and subdivisions (e) and (f) of Section 12122 do not apply to transactions by the Department of Defense or to the transactions of an agency or organization acting pursuant to contract with the Department of Defense.

CHAPTER 663

An act to add Section 3293.2 to the Education Code, relating to school district organization, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1968. Filed with Secretary of State July 17, 1968.]

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

SECTION 1. Section 3293.2 is added to the Education Code, to read:

3293.2. Proposals of the county committee on school district organization to annex all or part of some territory to a junior college district may provide that an election be held in the territory as a whole, rather than by separate school districts, for the purpose of adopting or rejecting the plans and recommendations.

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

In order for procedures for junior college reorganization which are now in abatement because of the provisions of existing law, to be completed as soon as possible, this act must take effect immediately.

CHAPTER 664

An act to amend Section 20751 of the Education Code, relating to school district tax rates.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

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, 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 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, seventy-five cents ($0.75) for high school purposes, and ten cents ($0.10) for adult education purposes.

(d) In any separate high school district 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, thirty-five cents ($0.35) for junior college purposes, and ten cents ($0.10) for 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 ninety cents ($1.90) for combined elementary school, high school, and junior college purposes; or one dollar and sixty-five cents ($1.65) for combined kindergarten, elementary school, and high school purposes; or two dollars ($2) for combined kindergarten, elementary school, high school, and junior college purposes; or one dollar and sixty-five cents ($1.65) for combined kindergarten, elementary school, and high school purposes, and ten cents ($0.10) for adult education purposes; or two dollars ($2) for combined kindergarten, elementary school, high school, and junior college purposes, and ten cents ($0.10) for 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; or two dollars and forty-five cents ($2.45) for combined elementary school, high school, and junior college purposes; two dollars and twenty cents ($2.20) for combined kindergarten, elementary school, and high school purposes; or two dollars and fifty-five cents ($2.55) for combined kindergarten, elementary school, high school, and junior college purposes; or two dollars and twenty cents ($2.20) for combined kindergarten, elementary school, and high school purposes, and ten cents ($0.10) for adult education purposes; or two dollars and fifty-five cents ($2.55) for combined kindergarten, elementary school, high school, and junior college purposes, and ten cents ($0.10) for 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.

CHAPTER 665

An act to amend Sections 73522, 73523, 73523.1, 73523.2, 73602, 73603, 73603.1, 73603.2, 74302, 74303, 74303.1, and 74303.2 of the Government Code, relating to municipal courts.

[Approved by Governor July 18, 1968 Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Section 73522 of the Government Code is amended to read:

73522. There shall be one clerk who shall receive a monthly salary at the rates specified in salary range number 40 of the salary schedule.

SEC. 2. Section 73523 of the Government Code is amended to read:

73523. The clerk may appoint:

(a) One chief deputy clerk who shall receive a monthly salary at the rates specified in salary range number 35 of the salary schedule.

(b) Five deputy clerks, grade III, each of whom shall receive a monthly salary at the rates specified in salary range number 32 of the salary schedule.

(c) Five deputy clerks, grade II, each of whom shall receive a monthly salary at the rate specified in salary range number 28 of the salary schedule.

(d) Twelve deputy clerks, grade I, each of whom shall receive a monthly salary at the rates specified in salary range number 26 of the salary schedule.

SEC. 3. Section 73523.1 of the Government Code is amended to read:

73523.1. Whenever a reference to a salary range number is made in this article, the following schedule of monthly salaries shall apply:

Salary range number	Step A	Step B	Step C	Step D	Step E
16	$238	$252	$266	$281	$297
16.5	245	259	274	289	306
17	252	266	281	297	314
17.5	259	274	289	306	323
18	266	281	297	314	332
18.5	274	289	306	323	342
19	281	297	314	332	351
19.5	289	306	323	342	361
20	297	314	332	351	371
20.5	306	323	342	361	382
21	314	332	351	371	392
21.5	323	342	361	382	403
22	332	351	371	392	415
22.5	342	361	382	403	427
23	351	371	392	415	439
23.5	361	382	403	427	452
24	371	392	415	439	464
24.5	382	403	427	452	477
25	392	415	439	464	491
25.5	403	427	452	477	505
26	415	439	464	491	519
26.5	427	452	477	505	534
27	439	464	491	519	549
27.5	452	477	505	534	565
28	464	491	519	549	581
28.5	477	505	534	565	598
29	491	519	549	581	614
29.5	505	534	565	598	632
30	519	549	581	614	649
30.5	534	565	598	632	668
31	549	581	614	649	686
31.5	565	598	632	668	706
32	581	614	649	686	725

Salary range number	Step A	Step B	Step C	Step D	Step E
32.5	598	632	668	706	746
33	614	649	686	725	767
33.5	632	668	706	746	789
34	649	686	725	767	811
34.5	668	706	746	789	834
35	686	725	767	811	857
35.5	706	746	789	834	882
36	725	767	811	857	906
36.5	746	789	834	882	932
37	767	811	857	906	958
37.5	789	834	882	932	986
38	811	857	906	958	1013
38.5	834	882	932	986	1042
39	857	906	958	1013	1071
39.5	882	932	986	1042	1102
40	906	958	1013	1071	1133
40.5	932	986	1042	1102	1166
41	958	1013	1071	1133	1198
41.5	986	1042	1102	1166	1232
42	1013	1071	1133	1198	1267
42.5	1042	1102	1166	1232	1303
43	1071	1133	1198	1267	1339
43.5	1102	1166	1232	1303	1377
44	1133	1198	1267	1339	1416
44.5	1166	1232	1303	1377	1457
45	1198	1267	1339	1416	1497
45.5	1232	1303	1377	1457	1540
46	1267	1339	1416	1497	1583
46.5	1303	1377	1457	1540	1628
47	1339	1416	1497	1583	1674
47.5	1377	1457	1540	1628	1722
48	1416	1497	1583	1674	1770
48.5	1457	1540	1628	1722	1821
49	1497	1583	1674	1770	1872
49.5	1540	1628	1722	1821	1926
50	1583	1674	1770	1872	1980
50.5	1628	1722	1821	1926	2037
51	1674	1770	1872	1980	2094
51.5	1722	1821	1926	2037	2154
52	1770	1872	1980	2094	2214
52.5	1821	1926	2037	2154	2278
53	1872	1980	2094	2214	2341
53.5	1926	2037	2154	2278	2408
54	1980	2094	2214	2341	2475
54.5	2037	2154	2278	2408	2546
55	2094	2214	2341	2475	2617
55.5	2154	2278	2408	2546	2692

Salary range number	Step A	Step B	Step C	Step D	Step E
56	2214	2341	2475	2617	2767
56.5	2278	2408	2546	2692	2847
57	2341	2475	2617	2767	2926
57.5	2408	2546	2692	2847	3010
58	2475	2617	2767	2926	3094

SEC. 3.5. Section 73523.2 of the Government Code is amended to read:

73523.2. Notwithstanding any other provision of this article, until the 61st day after the final adjournment of the next Regular Session of the Legislature, whenever a higher compensation is provided for positions in the classification of typist-clerk I in the San Mateo County classified service, each person holding a position in any of the classifications specified in this article shall receive proportionately higher compensation on the salary schedule provided for in Section 73523.1 payable at the same time as that higher compensation provided in the salary ordinance of San Mateo County.

SEC. 4. Section 73602 of the Government Code is amended to read:

73602. There shall be one clerk who shall receive a monthly salary at the rate specified in salary range number 40 of the salary schedule.

SEC. 5. Section 73603 of the Government Code is amended to read:

73603. The clerk may appoint:

(a) One chief deputy clerk who shall receive a monthly salary at the rates specified in salary range number 35 of the salary schedule.

(b) Five deputy clerks, grade III, each of whom shall receive a monthly salary at the rates specified in salary range number 32 of the salary schedule.

(c) Five deputy clerks, grade II, each of whom shall receive a monthly salary at the rates specified in salary range number 28 of the salary schedule.

(d) Eleven deputy clerks, grade I, each of whom shall receive a monthly salary at the rates specified in salary range number 26 of the salary schedule.

(e) Two part-time deputy clerks, grade I, each of whom shall receive a monthly salary at an amount not to exceed one-half of the rates specified in salary range number 24 of the salary schedule.

SEC. 6. Section 73603.1 of the Government Code is amended to read:

73603.1. Whenever reference to a salary range number is made in this article the following schedule of monthly salaries shall apply:

Salary range number	Step A	Step B	Step C	Step D	Step E
16	$238	$252	$266	$281	$297
16.5	245	259	274	289	306
17	252	266	281	297	314
17.5	259	274	289	306	323
18	266	281	297	314	332
18.5	274	289	306	323	342
19	281	297	314	332	351
19.5	289	306	323	342	361
20	297	314	332	351	371
20.5	306	323	342	361	382
21	314	332	351	371	392
21.5	323	342	361	382	403
22	332	351	371	392	415
22.5	342	361	382	403	427
23	351	371	392	415	439
23.5	361	382	403	427	452
24	371	392	415	439	464
24.5	382	403	427	452	477
25	392	415	439	464	491
25.5	403	427	452	477	505
26	415	439	464	491	519
26.5	427	452	477	505	534
27	439	464	491	519	549
27.5	452	477	505	534	565
28	464	491	519	549	581
28.5	477	505	534	565	598
29	491	519	549	581	614
29.5	505	534	565	598	632
30	519	549	581	614	649
30.5	534	565	598	632	668
31	549	581	614	649	686
31.5	565	598	632	668	706
32	581	614	649	686	725
32.5	598	632	668	706	746
33	614	649	686	725	767
33.5	632	668	706	746	789
34	649	686	725	767	811
34.5	668	706	746	789	834
35	686	725	767	811	857
35.5	706	746	789	834	882
36	725	767	811	857	906
36.5	746	789	834	882	932
37	767	811	857	906	958
37.5	789	834	882	932	986
38	811	857	906	958	1013
38.5	834	882	932	986	1042
39	857	906	958	1013	1071
39.5	882	932	986	1042	1102

Salary range number	Step A	Step B	Step C	Step D	Step E
40	906	958	1013	1071	1133
40.5	932	986	1042	1102	1166
41	958	1013	1071	1133	1198
41.5	986	1042	1102	1166	1232
42	1013	1071	1133	1198	1267
42.5	1042	1102	1166	1232	1303
43	1071	1133	1198	1267	1339
43.5	1102	1166	1232	1303	1377
44	1133	1198	1267	1339	1416
44.5	1166	1232	1303	1377	1457
45	1198	1267	1339	1416	1497
45.5	1232	1303	1377	1457	1540
46	1267	1339	1416	1497	1583
46.5	1303	1377	1457	1540	1628
47	1339	1416	1497	1583	1674
47.5	1377	1457	1540	1628	1722
48	1416	1497	1583	1674	1770
48.5	1457	1540	1628	1722	1821
49	1497	1583	1674	1770	1872
49.5	1540	1628	1722	1821	1926
50	1583	1674	1770	1872	1980
50.5	1628	1722	1821	1926	2037
51	1674	1770	1872	1980	2094
51.5	1722	1821	1926	2037	2154
52	1770	1872	1980	2094	2214
52.5	1821	1926	2037	2154	2278
53	1872	1980	2094	2214	2341
53.5	1926	2037	2154	2278	2408
54	1980	2094	2214	2341	2475
54 5	2037	2154	2278	2408	2546
55	2094	2214	2341	2475	2617
55.5	2154	2278	2408	2546	2692
56	2214	2341	2475	2617	2767
56 5	2278	2408	2546	2692	2847
57	2341	2475	2617	2767	2926
57.5	2408	2546	2692	2847	3010
58	2475	2617	2767	2926	3094

SEC. 6.5. Section 73603.2 of the Government Code is amended to read:

73603.2. Notwithstanding any other provision of this article, until the 61st day after the final adjournment of the next Regular Session of the Legislature, whenever a higher compensation is provided for positions in the classification of typist-clerk I in the San Mateo County classified service, each person holding a position in any of the classifications specified in this article shall receive proportionately higher compensation on the salary schedule provided for in Section 73603.1

payable at the same time as that higher compensation provided in the salary ordinance of San Mateo County.

SEC. 7. Section 74302 of the Government Code is amended to read:

74302. There shall be one clerk who shall receive a monthly salary at the rate specified in salary range number 40 of the salary schedule.

SEC. 8. Section 74303 of the Government Code is amended to read:

74303. The clerk may appoint:

(a) One chief deputy clerk who shall receive a monthly salary at the rate specified in salary range number 35 of the salary schedule.

(b) Seven deputy clerks, grade III, each of whom shall receive a monthly salary at the rate specified in salary range number 32 of the salary schedule.

(c) Six deputy clerks, grade II, each of whom shall receive a monthly salary at the rate specified in salary range number 28 of the salary schedule.

(d) Seven deputy clerks, grade I, each of whom shall receive a monthly salary at the rate specified in salary range number 26 of the salary schedule.

SEC. 9. Section 74303.1 of the Government Code is amended to read:

74303.1. Whenever reference to a salary range number is made in this article the following schedule of monthly salaries shall apply:

Salary range number	Step A	Step B	Step C	Step D	Step E
16	$238	$252	$266	$281	$297
16.5	245	259	274	289	306
17	252	266	281	297	314
17.5	259	274	289	306	323
18	266	281	297	314	332
18.5	274	289	306	323	342
19	281	297	314	332	351
19.5	289	306	323	342	361
20	297	314	332	351	371
20.5	306	323	342	361	382
21	314	332	351	371	392
21.5	323	342	361	382	403
22	332	351	371	392	415
22.5	342	361	382	403	427
23	351	371	392	415	439
23.5	361	382	403	427	452
24	371	392	415	439	464
24.5	382	403	427	452	477
25	392	415	439	464	491
25.5	403	427	452	477	505

Salary range number	Step A	Step B	Step C	Step D	Step E
26	415	439	464	491	519
26.5	427	452	477	505	534
27	439	464	491	519	549
27.5	452	477	505	534	565
28	464	491	519	549	581
28.5	477	505	534	565	598
29	491	519	549	581	614
29.5	505	534	565	598	632
30	519	549	581	614	649
30.5	534	565	598	632	668
31	549	581	614	649	686
31.5	565	598	632	668	706
32	581	614	649	686	725
32.5	598	632	668	706	746
33	614	649	686	725	767
33.5	632	668	706	746	789
34	649	686	725	767	811
34.5	668	706	746	789	834
35	686	725	767	811	857
35.5	706	746	789	834	882
36	725	767	811	857	906
36.5	746	789	834	882	932
37	767	811	857	906	958
37.5	789	834	882	932	986
38	811	857	906	958	1013
38.5	834	882	932	986	1042
39	857	906	958	1013	1071
39.5	882	932	986	1042	1102
40	906	958	1013	1071	1133
40.5	932	986	1042	1102	1166
41	958	1013	1071	1133	1198
41.5	986	1042	1102	1166	1232
42	1013	1071	1133	1198	1267
42.5	1042	1102	1166	1232	1303
43	1071	1133	1198	1267	1339
43.5	1102	1166	1232	1303	1377
44	1133	1198	1267	1339	1416
44.5	1166	1232	1303	1377	1457
45	1198	1267	1339	1416	1497
45.5	1232	1303	1377	1457	1540
46	1267	1339	1416	1497	1583
46.5	1303	1377	1457	1540	1628
47	1339	1416	1497	1583	1674
47.5	1377	1457	1540	1628	1722
48	1416	1497	1583	1674	1770
48.5	1457	1540	1628	1722	1821
49	1497	1583	1674	1770	1872
49.5	1540	1628	1722	1821	1926
50	1583	1674	1770	1872	1980

Salary range number	Step A	Step B	Step C	Step D	Step E
50.5	1628	1722	1821	1926	2037
51	1674	1770	1872	1980	2094
51.5	1722	1821	1926	2037	2154
52	1770	1872	1980	2094	2214
52.5	1821	1926	2037	2154	2278
53	1872	1980	2094	2214	2341
53.5	1926	2037	2154	2278	2408
54	1980	2094	2214	2341	2475
54.5	2037	2154	2278	2408	2546
55	2094	2214	2341	2475	2617
55.5	2154	2278	2408	2546	2692
56	2214	2341	2475	2617	2767
56.5	2278	2408	2546	2692	2847
57	2341	2475	2617	2767	2926
57.5	2408	2546	2692	2847	3010
58	2475	2617	2767	2926	3094

SEC. 10. Section 74303.2 of the Government Code is amended to read:

74303.2. Notwithstanding any other provision of this article, until the 61st day after the final adjournment of the next Regular Session of the Legislature, whenever a higher compensation is provided for positions in the classification of typist-clerk I in the San Mateo County classified service, each person holding a position in any of the classifications specified in this article shall receive proportionately higher compensation on the salary schedule provided for in Section 74303.1 payable at the same time as that higher compensation provided in the salary ordinance of San Mateo County.

CHAPTER 666

An act to add Section 127 to the Corporations Code, relating to corporations.

[Approved by Governor July 18, 1968 Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Section 127 is added to the Corporations Code, to read:

127. Any agreement, certificate, or other instrument relating to a domestic or foreign corporation filed with the Secretary of State pursuant to the provisions of this division

may, within three years from the date of such filing, be corrected with respect to any misstatement of fact contained therein, any defect in the execution thereof, or any other error or defect contained therein, by filing with the Secretary of State a certificate of correction entitled "Certificate of Correction of _____ (insert here the title of the agreement, certificate or other instrument to be corrected, and name(s) of corporation or corporations)"; provided, however, that no such certificate of correction shall alter the wording of any resolution which was in fact adopted by directors or shareholders or effect a corrected amendment of articles of incorporation which amendment as so corrected would not in all respects have complied with the requirements of this division at the time of filing of the agreement, certificate or other instrument being corrected; and provided, further, that only one certificate of correction may be filed for the same agreement, certificate or other instrument. Such certificate of correction shall be signed and verified or acknowledged as provided in this chapter with respect to the agreement, certificate, or other instrument being corrected. It shall set forth the following:

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

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

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

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

The fee for filing the certificate of correction shall be the greater of (i) the fee which would have been payable for the filing of the agreement, certificate, or other instrument being corrected had it not contained the error or defect referred to in such certificate of correction, less the fee actually paid for the filing of such agreement, certificate, or other instrument, and (ii) five dollars ($5). In no event shall there be any right to a refund of any portion of the fee paid for the filing of the agreement, certificate or other instrument being corrected. The fee for recording the certificate of correction shall be two dollars ($2).

CHAPTER 667

An act to amend Sections 11503, 11509, 11510, 11511, 11703, and 11706 of, and to add Sections 11503.1 and 11703.1 to, the Vehicle Code, relating to vehicle dismantlers, dealers, transporters, and manufacturers.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Section 11503 of the Vehicle Code is amended to read:

11503. The department may refuse to issue a license and certificate to an applicant when it determines that:

(a) The applicant was previously the holder of a license and certificate issued under this code, which license and certificate were revoked for cause and never reissued by the department, or which license and certificate were suspended for cause and the terms of suspension have not been terminated.

(b) The applicant was previously a partner, stockholder, director, or officer controlling or managing a partnership or corporation whose license and certificate issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated.

(c) If the applicant is a partnership or corporation, that one or more of the partners, stockholders, directors or officers who will control or manage it was previously the holder or a partner, stockholder, director or officer controlling or managing a partnership or corporate license and certificate holder whose license and certificate issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated, and that by reason of the facts and circumstances touching the organization, control and management of the partnership or corporation, business will be directed, controlled, or managed by individuals who, by reason of their conviction of violations of this code, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated.

(d) The applicant, or one of the partners, if the applicant be a partnership, or one or more of the officers or directors of the corporation, if a corporation be the applicant, or one or more of the stockholders if the policy of such business will be directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude. A conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

(e) The information contained in an application is incorrect.

(f) The applicant, or one of the partners, if the applicant be a partnership, or one or more of the officers, directors or stockholders of the corporation, if a corporation be the applicant, based on the information contained in the application or by subsequent investigation, is not of good moral character.

(g) The decision of the department to suspend or revoke a license under the provisions of subdivision (b) of Section 11518 or subdivision (c) of Section 11721 has been entered, and the applicant was the licensee, a copartner, or an officer, director, or stockholder of such suspended or revoked licensee.

SEC. 1.5. Section 11503.1 is added to the Vehicle Code, to read:

11503.1. Any of the causes specified in Section 11509 as a cause to suspend or revoke the license and certificate issued to a dismantler, shall be cause to refuse to issue a license and certificate to a dismantler.

SEC. 2. Section 11509 of the Vehicle Code is amended to read:

11509. The department after notice and hearing may suspend or revoke the certificate and license and special plates issued to an automobile dismantler upon determining that any such automobile dismantler is not lawfully entitled thereto, has made or knowingly or negligently permitted an illegal use of the special plates issued to said person, used a false or fictitious name, knowingly made any false statements or concealed any material fact in any application or other document filed with the department, failed to provide and maintain a clear physical division between the type of business licensed hereunder and any other type of business conducted at the established place of business, or has violated one or more terms and provisions of Divisions 3 (commencing with Section 4000) or 4 (commencing with Section 10500) or Chapter 3 (commencing with Section 11500) of Division 5, of this code or Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code; or any of the rules and regulations adopted pursuant thereto; or has been convicted of a felony or a crime involving moral turpitude; or has purchased, or concealed, or had in his possession, or has otherwise acquired or disposed of a vehicle, knowing the same to be stolen; or has failed to meet and maintain the requirements for issuance of an automobile dismantler license and certificate and special plates as provided for in this code; or has failed to pay within 30 days after written demand from the department any fees or penalties due on vehicles acquired for dismantling.

When a check, draft, or money order submitted to the department by a licensee dismantler for any obligation or fee due the state is dishonored or refused payment upon presentation, it shall be a cause, after notice and hearing, to suspend or revoke a license and certificate issued to such dismantler.

Any of the causes specified in Section 11503 as a cause for refusal to issue a license and certificate to an automobile dismantler applicant, shall be cause, after notice and hearing, to

suspend or revoke a license and certificate issued to an automobile dismantler.

Every hearing as provided for in this chapter shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 3. Section 11510 of the Vehicle Code is amended to read:

11510. The department may, pending a hearing, temporarily suspend the license and certificate and special plates issued to an automobile dismantler for a period not to exceed 30 days if the director finds that such action is required in the public interest. In any such case a hearing shall be held and a decision thereon issued within 30 days after notice of temporary suspension.

Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 4. Section 11511 of the Vehicle Code is amended to read:

11511. In any administrative disciplinary proceeding to revoke or suspend an automobile dismantler license, proof that a vehicle reported stolen to a law enforcement agency was thereafter found in the possession of, or upon the premises of a licensed automobile dismantler shall constitute in evidence a prima facie presumption that such licensee had knowledge that such vehicle was stolen. This presumption may be rebutted by satisfactory evidence that the licensee made reasonable inquiry to ascertain that the person from whom he bought or received the said vehicle had the legal right to sell or deliver the said vehicle to the licensee, that he had properly reported acquisition of the vehicle as required by this code, and that he has maintained business records sufficient to identify the vehicle.

SEC. 5. Section 11703 of the Vehicle Code is amended to read:

11703. The department may refuse to issue a license and certificate to a manufacturer, transporter, or dealer, when it determines that:

(a) The applicant was previously the holder of a license and certificate issued under this chapter, which license and certificate were revoked for cause and never reissued by the department, or which license and certificate were suspended for cause and the terms of suspension have not been fulfilled.

(b) The applicant was previously a partner, stockholder, director, or officer controlling or managing a partnership or corporation whose license and certificate issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated.

(c) If the applicant is a partnership or corporation, that one or more of the partners, stockholders, directors or officers

who will control or manage it was previously the holder or a partner, stockholder, director or officer controlling or managing a partnership or corporate license holder whose license and certificate issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated, and that by reason of the facts and circumstances touching the organization, control, and management of the partnership or corporation business the policy of such business will be directed, controlled, or managed by individuals who, by reason of their conviction of violations of the provisions of this code, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated.

(d) The applicant, or one of the partners, if the applicant be a partnership, or one or more of the officers or directors of the corporation, if a corporation be the applicant, or one or more of the stockholders if the policy of such business will be directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude. A conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

(e) The information contained in the application is incorrect.

(f) The decision of the department to suspend or revoke a license under the provisions of Section 11721(c) has been entered, and this applicant was the licensee, a copartner, or an officer, director or stockholder of such suspended or revoked licensee.

SEC. 5.5. Section 11703.1 is added to the Vehicle Code, to read:

11703.1. Any of the causes specified in Section 11705 as a cause to suspend or revoke the license and certificate issued to a dealer, manufacturer, or transporter, shall be cause to refuse to issue a license and certificate to a dealer, manufacturer, or transporter.

SEC. 6. Section 11706 of the Vehicle Code is amended to read:

11706. The department may, pending a hearing, temporarily suspend the license and certificates or special plates issued to a manufacturer, transporter, or dealer, for a period not to exceed 30 days, if the director finds that such action is required in the public interest. In any such case a hearing shall be held and a decision thereon issued within 30 days after notice of the temporary suspension.

Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 668

An act to add Chapter 6 (commencing with Section 23561) to Division 17 of the Education Code, relating to the University of California.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Chapter 6 (commencing with Section 23561) is added to Division 17 of the Education Code, to read:

CHAPTER 6. EMPLOYEES

23561. The Regents of the University of California shall make an annual report to the Governor and to each house of the Legislature on matters pertaining to and affecting the salaries, wages, hours of work, conditions of work and other matters relating to personnel under the jurisdiction of the regents and the employees of the University of California. The report shall be filed with the Governor at least 30 days prior to the opening day of the Legislature each year and shall be filed with each house of the Legislature within five days after the opening day of the Legislature in each year.

CHAPTER 669

An act to add Sections 20014.7 and 20017.8 to the Government Code, relating to Public Employees' Retirement System.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Section 20014.7 is added to the Government Code, to read:

20014.7. Notwithstanding the provisions of Section 20014, "state miscellaneous members" does not include persons employed by the state for the purpose of performing lifeguard services as such services are described in Section 20017.8.

SEC. 2. Section 20017.8 is added to the Government Code, to read:

20017.8. "Law enforcement member" includes persons employed by the state on permanent appointments for the purpose of performing lifeguard services, whose principal duties consist of active protection, rescue and rendition of aid or assistance to persons injured or imperiled at beaches and lakes, streams, dams, reservoirs, or other bodies of open water (not including swimming pools), excluding staff officers or super-

visory, clerical, or maintenance personnel, or others who do not fall within the scope of active lifeguarding or lifesaving services even though such persons are subject to occasional call or are occasionally called upon to perform duties within the scope of active lifeguarding or lifesaving.

Notwithstanding Section 20602.92, the rate of contribution applicable to "law enforcement members" with respect to a person who becomes such a member pursuant to this section, shall apply only to compensation paid such member on and after the operative date of this section.

SEC. 3. This act shall become operative on the first of the month following the month in which statutes enacted at the 1968 Regular Session are effective.

CHAPTER 670

An act to add Article 7.5 (commencing with Section 1070) to Chapter 3 of Division 4 of the Education Code, relating to counseling services.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Article 7.5 (commencing with Section 1070) is added to Chapter 3 of Division 7 of the Education Code, to read:

Article 7.5. Counseling Services

1070. The governing board of any school district may offer a program of vocational and educational counseling. A governing board of a school district which offers such counseling services may contract with the governing boards of any other school districts, or private schools, or other public and private agencies or organizations, to render such counseling service to persons who reside within or outside the school district offering such counseling services.

This section shall only be applicable to a unified school district with an average daily attendance of more than 400,000, and to a junior college district with an average daily attendance of more than 40,000 and which is located in a metropolitan area with a population of more than four million.

CHAPTER 671

An act to amend Sections 4789 and 4805 of the Health and Safety Code, and to amend Section 17003 of the Public Utilities Code, relating to bonds.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Section 4789 of the Health and Safety Code is amended to read:

4789. The bonds shall be issued in such denomination or denominations as the district board may determine. They shall be payable on the day and at the place fixed in the bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of 7 percent per annum, and shall, after the first year, be payable semiannually.

SEC. 2. Section 4805 of the Health and Safety Code is amended to read:

4805. The provisions of the Revenue Bond Law of 1941 as amended shall be applicable to county sanitation districts, and the term "local agency" as used in Chapter 6 of Part 1, Division 2, Title 5 of the Government Code shall be deemed to include a county sanitation district.

Notwithstanding any provision of the Revenue Bond Law of 1941, including, but not limited to, Section 54382 of the Government Code, any county sanitation district may issue bonds, pursuant to such law which have an interest rate which is not in excess of 7 percent per annum.

SEC. 3. Section 17003 of the Public Utilities Code is amended to read:

17003. The interest on the bonds, other than bonds for sewage works, shall not exceed 6 percent a year. The interest on bonds for sewage works shall not exceed 7 percent a year.

CHAPTER 672

An act to add Section 3111.5 to the Health and Safety Code, relating to communicable disease prevention and control.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Section 3111.5 is added to the Health and Safety Code, to read:

3111.5. If the health officer of any county having a population of 5,000,000 or more employs personnel as inspectors or investigators in the enforcement of this division, who are

not otherwise licensed, registered, nor certified by this state, such personnel shall meet any one of the following minimum standards and qualifications:

(a) Possess a bachelor's degree in public health from an institution on the list of accredited colleges of the United States Office of Education.

(b) Possess a bachelor's degree with a minimum of 30 semester units of basic sciences from an institution on the list of accredited colleges of the United States Office of Education; or a statement from an accredited institution that the applicant has successfully completed a minimum of 16 semester units distributed among at least the following fields: public health and administration, epidemiology, public health statistics, public health microbiology, and communicable disease control.

(c) Possess a bachelor's degree from an institution on the list of accredited colleges of the United States Office of Education; and have had at least one year of full-time experience or the equivalent in investigation or inspection work in public health or law enforcement.

(d) Be employed as an inspector or investigator in communicable disease prevention and control by a county health department in the State of California, and have passed an official civil service examination therefor prior to the effective date of this section.

CHAPTER 673

An act to amend Sections 19054 and 19056 of the Government Code, relating to appointments in the state civil service.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Section 19054 of the Government Code is amended to read:

19054. The order of preference in certifying eligibles shall be: subdivisional reemployment list, departmental reemployment list, general reemployment list, subdivisional promotional list, departmental promotional list, multidepartmental promotional list, servicewide promotional list, eligible list. The preferred limited-term list, in accordance with board rule, may be given preference only over the eligible list when making limited-term appointments.

SEC. 2. Section 19056 of the Government Code is amended to read:

19056. If the appointment is to be made from a general reemployment list, departmental reemployment list or subdivisional reemployment list, unless either one is used as an appropriate employment list, the person standing highest shall be certified and appointed.

CHAPTER 674

An act to amend the heading of Article 4.6 (commencing with Section 1120) of Chapter 1, Division 4, Title 1, and Section 1120 of the Government Code, relating to officers of public agencies.

[Approved by Governor July 18, 1968 Filed with Secretary of State July 18, 1968]

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

SECTION 1. The heading of Article 4.6 (commencing with Section 1120) of Chapter 1, Division 4, Title 1 of the Government Code is amended to read:

Article 4.6. Noncontractual Financial Interests

SEC. 2. Section 1120 of the Government Code is amended to read:

1120. (a) Members of governing bodies, boards and commissions of any local public agency shall disclose any direct personal financial interest in any noncontractual matter coming before such governing body, board or commission. Any member of a governing body, board or commission of any local public agency who knowingly fails to disclose such interest shall be guilty of misconduct in office and shall be punishable as provided in Article 3 (commencing with Section 3060) of Chapter 7, Division 4, Title 1.

(b) A member of the governing body, board or commission shall not be deemed to have a direct personal financial interest in a noncontractual matter if his interest is:

(1) The ownership of less than 3 percent of the shares of a corporation for profit, provided the total annual income to him from dividends, including the value of stock dividends, from the corporation does not exceed 5 percent of his total annual income, and any other payments made to him by the corporation do not exceed 5 percent of his total annual income;

(2) That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty;

(3) That of a recipient of public services generally provided by the local public agency for which he acts, on the same terms and conditions as if he were not a member of the governing body, board or commission.

(4) An officer or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor.

CHAPTER 675

An act to add Section 1295.5 to the Labor Code, relating to operation of machinery by minors enrolled in approved work experience education programs.

[Approved by Governor July 18, 1968 Filed with Secretary of State July 18, 1968]

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

SECTION 1. Section 1295.5 is added to the Labor Code, to read:

1295.5. The provisions of Sections 1292, 1293, and 1294 shall not apply to students enrolled in approved work experience education programs pursuant to Article 4 (commencing with Section 8351) of Chapter 4 of Division 7 of the Education Code if the work experience coordinator determines that the students have been sufficiently trained in the employment or work otherwise prohibited by such sections and if parental approval is obtained.

CHAPTER 676

An act to amend Section 13861 of the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor July 18, 1968 Filed with Secretary of State July 18, 1968]

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

SECTION 1. Section 13861 of the Education Code is amended to read:

13861. Service rendered prior to July 1, 1968, shall be credited according to the provisions of this chapter (commencing with Section 13801) which were applicable prior to such date or in a manner prescribed by the board. Service rendered on or after July 1, 1968, by a member shall be credited in the proportion the compensation paid bears to the compensation the member would have received if he had been employed on a full-time day basis in the particular position in which he is employed throughout the school term, school year, or for a period of service at least the equivalent to a school term, subject to the provision that he shall be credited with a full year if the compensation paid is at least ten-twelfths of the full-time earnable compensation, with comparable and equitable adjustments determined by the board for less than full-time service.

CHAPTER 677

An act to amend Section 24102 of the Government Code, relating to deputies of county officers.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Section 24102 of the Government Code is amended to read:

24102. An appointee shall not act as deputy until:

(a) A written appointment by his principal is filed with the county clerk.

(b) A copy of the appointment is filed with the county auditor, if the auditor has so requested.

(c) He has taken the oath of office.

A revocation of the appointment of any deputy shall be made and filed in the same manner as the appointment.

CHAPTER 678

An act to amend Section 4210 of the Government Code, and to amend Section 1193 of the Code of Civil Procedure, relating to works of improvement.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Section 4210 of the Government Code is amended to read:

4210. (a) In any case in which the law of this state affords a right to a person furnishing labor or materials for a public work who has not been paid therefor to file a stop notice with the public agency concerned and thereby cause the withholding of payment from the contractor for the public work, any such person having no direct contractual relationship with the contractor, other than a person who performed actual labor for wages, may file such a notice, but no payment shall be withheld from any such contractor pursuant to any such notice, unless such person has caused written notice to be given to such contractor and the public agency concerned, not later than 20 days after the claimant has first furnished labor, services, equipment, or materials to the jobsite, stating with substantial accuracy a general description of the labor, service, equipment, or materials furnished, or to be furnished, and the name of the party to whom the same were furnished. Such notice shall be served by mailing the same by first-class mail, registered mail, or certified mail, postage prepaid, in an en-

velope addressed to the contractor at any place he maintains an office or conducts his business, or his residence, or by personal service. In case of any public works constructed by the Department of Public Works or the Department of General Services of the state, such notice shall be served by mailing in the same manner as above, addressed to the office of the disbursing officer of the department constructing the work or by personal service upon such officer. When service is by registered or certified mail, service is complete at the time of the deposit of the registered or certified mail.

(b) Where the contract price to be paid to any subcontractor on a particular work of improvement exceeds four hundred dollars ($400), the failure of that contractor, licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, to give the notice provided for in this section constitutes grounds for disciplinary action by the Registrar of Contractors.

SEC. 2. Section 1193 of the Code of Civil Procedure is amended to read:

1193. (a) Except one under direct contract with the owner or one performing actual labor for wages, every person who furnishes labor, service, equipment or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the owner or reputed owner, to the original contractor or reputed contractor, and to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by this section.

(b) All persons having a direct contract with the owner, except the contractor or one performing actual labor for wages, who furnishes labor, service, equipment, or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by subdivision (c) of this section.

(c) The preliminary notice referred to in subdivisions (a) and (b) above shall be given not later than 20 days after the claimant has first furnished labor, services, equipment, or materials to the jobsite and shall contain the following information:

1. A general description of the labor, service, equipment or materials furnished, or to be furnished, and if there is a construction lender, he shall be furnished with an estimate of the total price thereof in addition to the foregoing.

2. The name and address of such person furnishing such labor, services, equipment or materials.

3. The name of the person who contracted for purchase of such labor, services, equipment or materials

4. A description of the jobsite sufficient for identification.

5. A statement that if bills are not paid in full for labor, services, equipment or materials furnished, or to be furnished, the improved property may be subject to mechanics' liens.

If an invoice for such materials contains the information required by this section, a copy of such invoice, transmitted in the manner prescribed by this section, shall be sufficient notice.

(d) If labor, service, equipment, or materials have been furnished to a jobsite by a person who elected not to give a preliminary notice as provided in subdivison (a) or (b), such person shall not be precluded from giving a preliminary notice not later than 20 days after furnishing other labor, service, equipment, or materials to the same jobsite; provided, however, that such person shall be entitled to claim a lien and a notice to withhold only for such labor, service, equipment, or material furnished within 20 days prior to the service of such notice and at any time thereafter.

(e) Any agreement made or entered into by an owner whereby the owner agrees to waive the rights or privileges conferred upon him by this section shall be void and of no effect.

(f) Service of notice required under this section may be given by delivering the same to the person to be notified, personally, or by leaving it at his address or place of business with some person in charge, or by first-class mail, registered mail, or certified mail, postage prepaid, addressed to the person to whom notice is to be given, at his residence or place of business address, or at the address shown by the building permit on file with the authority issuing a building permit for the work. If the address of the person on whom notice was required to be served is not actually known, then service of such notice may be by first-class mail, registered mail, or certified mail addressed to the jobsite with the envelope setting forth the name of the owner or reputed owner, if known, or if not known, then merely "owner," or to the person to whom a notice to withhold may be given, if known, or if not known, then to "construction lender," or to the original contractor, if known, or if not known, then to "general contractor." When service is by registered or certified mail, service is complete at the time of the deposit of the registered or certified mail.

(g) A person required by this section to give notice to the owner and to an original contractor and to a person to whom a notice to withhold may be given, need give only one such notice to the owner, and to the original contractor and to the person to whom a notice to withhold may be given with respect to all materials, service, labor, or equipment he furnishes for a work of improvement, which means the entire structure or scheme of improvements as a whole, unless the same is furnished under contracts with more than one subcontractor, in which event the notice requirements must be met with respect

to materials, services, labor, or equipment furnished to each such subcontractor.

If a notice contains a general description required by subdivision (a) or (b) of the materials, services, labor, or equipment furnished to the date of the notice, it is not defective because, after such date, the person giving notice furnishes materials, services, labor or equipment not within the scope of such general description.

(h) Where the contract price to be paid to any subcontractor on a particular work of improvement exceeds four hundred dollars ($400), the failure of that contractor, licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, to give the notice provided for in this section constitutes grounds for disciplinary action by the Registrar of Contractors.

(i) The provisions of this section shall not apply to any public work which is subject to the notice provisions of Section 4210 of the Government Code.

SEC. 3. Section 1193 of the Code of Civil Procedure is amended to read:

1193. (a) Except one under direct contract with the owner or one performing actual labor for wages, every person who furnishes labor, service, equipment or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the owner or reputed owner, to the original contractor or reputed contractor, and to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by this section.

(b) All persons having a direct contract with the owner, except the contractor or one performing actual labor for wages, who furnishes labor, service, equipment, or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by subdivision (c) of this section.

(c) The preliminary notice referred to in subdivisions (a) and (b) above shall be given not later than 20 days after the claimant has first furnished labor, services, equipment, or materials to the jobsite and shall contain the following information:

1. A general description of the labor, service, equipment or materials furnished, or to be furnished, and if there is a construction lender, he shall be furnished with an estimate of the total price thereof in addition to the foregoing.

2. The name and address of such person furnishing such labor, services, equipment or materials.

3. The name of the person who contracted for purchase of such labor, services, equipment or materials.

4. A description of the jobsite sufficient for identification.

5. A statement that if bills are not paid in full for labor, services, equipment or materials furnished, or to be furnished, the improved property may be subject to mechanics' liens.

If an invoice for such materials contains the information required by this section, a copy of such invoice, transmitted in the manner prescribed by this section, shall be sufficient notice.

(d) If labor, service, equipment, or materials have been furnished to a jobsite by a person who elected not to give a preliminary notice as provided in subdivision (a) or (b), such person shall not be precluded from giving a preliminary notice not later than 20 days after furnishing other labor, service, equipment, or materials to the same jobsite; provided, however, that such person shall be entitled to claim a lien and a notice to withhold only for such labor, service, equipment, or material furnished within 20 days prior to the service of such notice and at any time thereafter.

(e) Any agreement made or entered into by an owner whereby the owner agrees to waive the rights or privileges conferred upon him by this section shall be void and of no effect.

(f) Service of notice required under this section may be given by delivering the same to the person to be notified, personally, or by leaving it at his address or place of business with some person in charge, or by first-class mail, registered mail, or certified mail, postage prepaid, addressed to the person to whom notice is to be given, at his residence or place of business address, or at the address shown by the building permit on file with the authority issuing a building permit for the work. If the address of the person on whom notice was required to be served is not actually known, then service of such notice may be by first-class mail, registered mail, or certified mail addressed to the jobsite with the envelope setting forth the name of the owner or reputed owner, if known, or if not known, then merely "Owner," or to the person to whom a notice to withhold may be given, if known, or if not known, then to "Construction Lender," or to the original contractor, if known, or if not known, then to "General Contractor." When service is by registered or certified mail, service is complete at the time of the deposit of the registered or certified mail.

(g) A person required by this section to give notice to the owner and to an original contractor and to a person to whom a notice to withhold may be given, need give only one such notice to the owner, and to the original contractor and to the person to whom a notice to withhold may be given with respect to all materials, service, labor, or materials he furnishes for a work of improvement, which means the entire structure or scheme of improvements as a whole, unless the same is furnished under contracts with more than one subcontractor, in which event the notice requirements must be met with respect

to materials, services, labor, or equipment furnished to each such subcontractor.

If a notice contains a general description required by subdivision (a) or (b) of the materials, services, labor, or equipment furnished to the date of the notice, it is not defective because, after such date, the person giving notice furnishes materials, services, labor or equipment not within the scope of such general description.

(h) Where the contract price to be paid to any subcontractor on a particular work improvement exceeds four hundred dollars ($400), the failure of that contractor, licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, to give the notice provided for in this section constitutes grounds for disciplinary action by the Registrar of Contractors.

(i) The provisions of this section shall not apply to any public work which is subject to the notice provisions of Section 4210 of the Government Code.

(j) Every city, county, city and county, or other governmental authority issuing building permits shall, in its application form for a building permit, provide space and a designation for the applicant to enter the name, branch designation if any, and address of the construction lender and shall keep such information on file open for public inspection during the regular business hours of the authority.

If there is no known construction lender, that fact shall be noted in such designated space. Any failure to indicate the name and address of the construction lender on such application, however, shall not relieve any person from the obligation to give to such construction lender the notice required by this section.

SEC. 4. Section 1193 of the Code of Civil Procedure is amended to read:

1193. (a) Except one under direct contract with the owner or one performing actual labor for wages, every person who furnishes labor, service, equipment or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the owner or reputed owner, to the original contractor or reputed contractor, and to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by this section.

(b) All persons having a direct contract with the owner, except the contractor or one performing actual labor for wages, who furnish labor, service, equipment, or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter must as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be

given to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by subdivision (c) of this section.

(c) The preliminary notice referred to in subdivisions (a) and (b) above shall be given not later than 20 days after the claimant has first furnished labor, services, equipment, or materials to the jobsite and shall contain the following information:

1. A general description of the labor, service, equipment or materials furnished, or to be furnished, and if there is a construction lender, he shall be furnished with an estimate of the total price thereof in addition to the foregoing.

2. The name and address of such person furnishing such labor, services, equipment or materials

3. The name of the person who contracted for purchase of such labor, services, equipment or materials.

4. A description of the jobsite sufficient for identification.

5. A statement that if bills are not paid in full for labor, services, equipment or materials furnished, or to be furnished, the improved property may be subject to mechanics' liens.

If an invoice for such materials contains the information required by this section, a copy of such invoice, transmitted in the manner prescribed by this section, shall be sufficient notice.

A certificated architect who has furnished services for the design of the work of improvement and who gives a preliminary notice as provided in this section not later than 20 days after the work of improvement has commenced shall be deemed to have complied with subdivisions (a) and (b) of this section with respect to architectural services furnished, or to be furnished.

(d) If labor, service, equipment, or materials have been furnished to a jobsite by a person who elected not to give a preliminary notice as provided in subdivision (a) or (b), such person shall not be precluded from giving a preliminary notice not later than 20 days after furnishing other labor, service, equipment, or materials to the same jobsite; provided, however, that such person shall be entitled to claim a lien and a notice to withhold only for such labor, service, equipment, or material furnished within 20 days prior to the service of such notice and at any time thereafter.

(e) Any agreement made or entered into by an owner whereby the owner agrees to waive the rights or privileges conferred upon him by this section shall be void and of no effect.

(f) Service of notice required under this section may be given by delivering the same to the person to be notified, personally, or by leaving it at his address or place of business with some person in charge, or by first-class mail, registered mail, or certified mail, postage prepaid, addressed to the person to whom notice is to be given, at his residence or place of business address, or at the address shown by the building permit on file with the authority issuing a building permit for the

work. If the address of the person on whom notice was required to be served is not actually known, then service of such notice may be by first-class mail, registered mail, or certified mail addressed to the jobsite with the envelope setting forth the name of the owner or reputed owner, if known, or if not known, then merely "Owner," or to the person to whom a notice to withhold may be given, if known, or if not known, then to "Construction Lender," or to the original contractor, if known, or if not known, then to "General Contractor." When service is by registered or certified mail, service is complete at the time of the deposit of the registered or certified mail.

(g) A person required by this section to give notice to the owner and to an original contractor and to a person to whom a notice to withhold may be given, need give only one such notice to the owner, and to the original contractor and to the person to whom a notice to withhold may be given with respect to all materials, service, labor, or equipment he furnishes for a work of improvement, which means the entire structure or scheme of improvements as a whole, unless the same is furnished under contracts with more than one subcontractor, in which event the notice requirements must be met with respect to materials, services, labor, or equipment furnished to each such subcontractor.

If a notice contains a general description required by subdivision (a) or (b) of the materials, services, labor, or equipment furnished to the date of the notice, it is not defective because, after such date, the person giving notice furnishes materials, services, labor or equipment not within the scope of such general description.

(h) Where the contract price to be paid to any subcontractor on a particular work of improvement exceeds four hundred dollars ($400), the failure of that contractor, licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, to give the notice provided for in this section constitutes grounds for disciplinary action by the Registrar of Contractors.

(i) The provisions of this section shall not apply to any public work which is subject to the notice provisions of Section 4210 of the Government Code.

SEC. 5. Section 1193 of the Code of Civil Procedure is amended to read:

1193. (a) Except one under direct contract with the owner or one performing actual labor for wages, every person who furnishes labor, service, equipment or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the owner or reputed owner, to the original contractor or reputed contractor, and to the construction lender, if any, or to the

reputed construction lender, if any, a written preliminary notice as prescribed by this section.

(b) All persons having a direct contract with the owner, except the contractor or one performing actual labor for wages, who furnish labor, service, equipment, or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by subdivision (c) of this section.

(c) The preliminary notice referred to in subdivisions (a) and (b) above shall be given not later than 20 days after the claimant has first furnished labor, services, equipment, or materials to the jobsite and shall contain the following information:

1. A general description of the labor, service, equipment or materials furnished, or to be furnished, and if there is a construction lender, he shall be furnished with an estimate of the total price thereof in addition to the foregoing.

2. The name and address of such person furnishing such labor, services, equipment or materials.

3. The name of the person who contracted for purchase of such labor, services, equipment or materials.

4. A description of the jobsite sufficient for identification.

5. A statement that if bills are not paid in full for labor, services, equipment or materials furnished, or to be furnished, the improved property may be subject to mechanics' liens.

If an invoice for such materials contains the information required by this section, a copy of such invoice, transmitted in the manner prescribed by this section, shall be sufficient notice.

A certificated architect who has furnished services for the design of the work of improvement and who gives a preliminary notice as provided in this section not later than 20 days after the work of improvement has commenced shall be deemed to have complied with subdivisions (a) and (b) of this section with respect to architectural services furnished, or to be furnished.

(d) If labor, service, equipment, or materials have been furnished to a jobsite by a person who elected not to give a preliminary notice as provided in subdivision (a) or (b), such person shall not be precluded from giving a preliminary notice not later than 20 days after furnishing other labor, service, equipment, or materials to the same jobsite; provided, however, that such person shall be entitled to claim a lien and a notice to withhold only for such labor, service, equipment, or material furnished within 20 days prior to the service of such notice and at any time thereafter.

(e) Any agreement made or entered into by an owner whereby the owner agrees to waive the rights or privileges conferred upon him by this section shall be void and of no effect.

(f) Service of notice required under this section may be given by delivering the same to the person to be notified, personally, or by leaving it at his address or place of business with some person in charge, or by first-class mail, registered mail, or certified mail, postage prepaid, addressed to the person to whom notice is to be given, at his residence or place of business address, or at the address shown by the building permit on file with the authority issuing a building permit for the work. If the address of the person on whom notice was required to be served is not actually known, then service of such notice may be by first-class mail, registered mail, or certified mail addressed to the jobsite with the envelope setting forth the name of the owner or reputed owner, if known, or if not known, then merely "Owner," or to the person to whom a notice to withhold may be given, if known, or if not known, then to "Construction Lender," or to the original contractor, if known, or if not known, then to "General Contractor." When service is by registered or certified mail, service is complete at the time of the deposit of the registered or certified mail.

(g) A person required by this section to give notice to the owner and to an original contractor and to a person to whom a notice to withhold may be given, need give only one such notice to the owner, and to the original contractor and to the person to whom a notice to withhold may be given with respect to all materials, service, labor, or equipment he furnishes for a work of improvement, which means the entire structure or scheme of improvements as a whole, unless the same is furnished under contracts with more than one subcontractor, in which event the notice requirements must be met with respect to materials, services, labor, or equipment furnished to each such subcontractor.

If a notice contains a general description required by subdivision (a) or (b) of the materials, services, labor, or equipment furnished to the date of the notice, it is not defective because, after such date, the person giving notice furnishes materials, services, labor or equipment not within the scope of such general description.

(h) Where the contract price to be paid to any subcontractor on a particular work of improvement exceeds four hundred dollars ($400), the failure of that contractor, licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, to give the notice provided for in this section constitutes grounds for disciplinary action by the Registrar of Contractors.

(i) The provisions of this section shall not apply to any public work which is subject to the notice provisions of Section 4210 of the Government Code.

(j) Every city, county, city and county, or other governmental authority issuing building permits shall, in its application form for a building permit, provide space and a designation for the applicant to enter the name, branch designation

if any, and address of the construction lender and shall keep such information on file open for public inspection during the regular business hours of the authority.

If there is no known construction lender, that fact shall be noted in such designated space. Any failure to indicate the name and address of the construction lender on such application, however, shall not relieve any person from the obligation to give to such construction lender the notice required by this section.

SEC. 6. Section 3 of this act shall become operative only if Senate Bill No. 345 is enacted by the Legislature at its 1968 Regular Session and, as enacted, amends Section 1193 of the Code of Civil Procedure, and if Senate Bill No. 457 is not enacted at such session or, if enacted, does not amend Section 1193, and in such case at the same time as the amendments to Section 1193, as contained in Senate Bill No. 345, become operative, in which event Sections 2, 4, 5, 7 and 8 of this act shall not be operative.

SEC. 7. Section 4 of this act shall become operative only if Senate Bill No. 457 is enacted by the Legislature at its 1968 Regular Session and, as enacted, amends Section 1193 of the Code of Civil Procedure, and if Senate Bill No. 345 is not enacted at such session or, if enacted, does not amend Section 1193, and in such case at the same time as the amendments to Section 1193, as contained in Senate Bill No. 457, become operative, in which event Sections 2, 3, 5, 6, and 8 of this act shall not be operative.

SEC. 8. Section 5 of this act shall become operative only if both Senate Bill No. 345 and Senate Bill No. 457 are enacted by the Legislature at the 1968 Regular Session and if each such bill, as enacted, amends Section 1193 of the Code of Civil Procedure, and in such case at the same time as the amendments to Section 1193, as contained in Senate Bill No. 345 and Senate Bill No. 457, become operative, in which event Sections 2, 3, 4, 6 and 7 of this act shall not be operative.

CHAPTER 679

An act to amend Section 6555 of the Streets and Highways Code and Section 53935 of the Government Code, relating to special assessments.

[Approved by Governor July 18, 1968 Filed with Secretary of State July 18, 1968]

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

SECTION 1. Section 6555 of the Streets and Highways Code is amended to read:

6555. The deed of the treasurer, when duly acknowledged or proved, is primary evidence of the regularity of all pro-

ceedings theretofore had, and conveys to the grantee the absolute title to the lands described therein, as of the date of the expiration of the period for redemption, free of all encumbrances, except:

(a) The lien for general taxes or ad valorem assessments in the nature of and collected as taxes levied by the state or county, city, special district or other local agency.

(b) The lien of any special assessment or assessments the lien date of which is prior in time to the lien date of the assessment for which the deed is issued.

(c) Easements constituting servitudes upon or burdens to said lands.

(d) Water rights, the record title to which is held separately from the title to said lands.

(e) Restrictions of record.

If the treasurer of another city, as city is defined by Section 5005, has issued subordinate bonds, as defined by Section 5373, against the same property upon which the treasurer's deed was issued, then the treasurer of the other city shall cancel the subordinate bonds and enter upon the bond register the notation "canceled by foreclosure of prior lien," provided that he is notified of the issuance of the deed by the owner of the deed.

If the superintendent of streets of another city, as city is defined in Section 5005, has issued subordinate assessments, as defined by Section 5373, against the same property upon which such treasurer's deed was issued, then the superintendent of streets shall cancel the subordinate assessments and enter upon the assessment roll the notation "canceled by foreclosure of prior lien," provided that he is notified of the issuance of the deed by the owner of the deed.

If the treasurer has issued subordinate bonds, as defined by Section 5373, against the same property upon which the treasurer's deed is issued, then the treasurer shall cancel the subordinate bonds, and enter upon the bond register the notation "canceled by foreclosure of prior lien." If the superintendent of streets has issued subordinate assessments, as defined by Section 5373, against the same property upon which such treasurer's deed is issued, then the superintendent of streets shall cancel the subordinate assessments and enter upon the assessment roll the notation "canceled by foreclosure of prior lien," provided that he is notified of the issuance of the treasurer's deed by either the treasurer or the owner of the deed.

SEC. 2. Section 53935 of the Government Code is amended to read:

53935. The lien of said assessments shall be coequal to and independent of the lien for general taxes, and, except as provided in Section 53936, not subject to extinguishment by the sale of the property on account of the nonpayment of any taxes, and prior and superior to all liens, claims and encumbrances except (a) the lien for general taxes or ad valorem assessments in the nature of and collected as taxes levied by

the state or any county, city, special district or other local agency; (b) the lien of any special assessment or assessments the lien date of which is prior in time to the lien date of the assessment for which the deed is issued; (c) easements constituting servitudes upon or burdens to said lands; (d) water rights, the record title to which is held separately from the title to said lands; (e) restrictions of record.

SEC. 3. The amendments made by this act do not constitute a change in, but are declaratory of, existing law and the amendments shall not be construed to mean that deeds prior to the effective date of this act conveyed a title not subject to the interests specified in clauses (c), (d), and (e) of the first paragraph of Section 6555 of the Streets and Highways Code as amended by this act.

SEC. 4. The amendments made by this act are intended to conform the provisions of Section 6555 of the Streets and Highways Code and Section 53935 of the Government Code to the provisions of Section 3900.5 of the Revenue and Taxation Code.

CHAPTER 680

An act to amend Section 1468 of the Civil Code, relating to covenants.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Section 1468 of the Civil Code is amended to read:

1468. Each covenant, made by an owner of land with the owner of other land or made by a grantor of land with the grantee of land conveyed, to do or refrain from doing some act on his own land, which doing or refraining is expressed to be for the benefit of the land of the covenantee, runs with both the land owned by the covenantor and the land owned by or granted to the covenantee and shall, except as provided by Section 1466, or as specifically provided in the instrument creating such covenant, and notwithstanding the provisions of Section 1465, benefit or be binding upon each successive owner, during his ownership, of any portion of such land affected thereby and upon each person having any interest therein derived through any owner thereof where all of the following requirements are met:

(a) The land of the covenantor which is to be affected by such covenants, and the land of covenantee to be benefited, are particularly described in the instrument containing such covenants;

(b) Such successive owners of the land are in such instrument expressed to be bound thereby for the benefit of the land owned by or granted to the covenantee;

(c) Each such act relates to the use, repair, maintenance or improvement of, or payment of taxes and assessments on, such land or some part thereof;

(d) The instrument containing such covenants is recorded in the office of the recorder of each county in which such land or some part thereof is situate.

Where several persons are subject to the burden of any such covenant, it shall be apportioned among them pursuant to Section 1467, except that where only a portion of such land is so affected thereby, such apportionment shall be only among the several owners of such portion. This section shall apply to the mortgagee, trustee or beneficiary of a mortgage or deed of trust upon such land or any part thereof while but only while he, in such capacity, is in possession thereof.

CHAPTER 681

An act to add Section 11753.1 to the Education Code, relating to health supervision in the public schools.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Section 11753.1 is added to the Education Code, to read:

11753.1. Notwithstanding the provisions of Section 11753, any pupil who is required to take, during the regular school day, medication prescribed for him by a physician, may be assisted by the school nurse or other designated school personnel if the school district receives (1) a written statement from such physician detailing the method, amount, and time schedules by which such medication is to be taken and (2) a written statement from the parent or guardian of the pupil indicating the desire that the school district assist the pupil in the matters set forth in the physician's statement.

CHAPTER 682

An act to amend Sections 6711, 7150, and 7158 of the Financial Code, relating to savings and loan associations.

[Approved by Governor July 18, 1968 Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Section 6711 of the Financial Code is amended to read:

6711. An association may purchase any notes or other obligations, together with the mortgages, trust deeds, or other security therefor, if both of the following requirements are satisfied:

(a) Such notes or obligations evidence loans which the association would be authorized to make pursuant to this division, except for the original amount and term thereof.

(b) The purchase price of such notes or other obligations and the remaining term thereof do not at the time of such purchase exceed the association's loan limits.

SEC. 2. Section 7150 of the Financial Code is amended to read:

7150. An association may make amortized loans, as defined in Section 5074, upon the security of real property for the following terms, from the due date of the first principal installment.

a. Loans secured by real property on which the principal improvement consists of a single-family dwelling for a term of not more than 30 years.

b. Loans secured by other residential property, for a term of not more than 25 years.

c. Loans secured by other real property, for a term of not more than 20 years.

d. Loans made pursuant to Article 3 of this chapter, for the maximum term, applicable to such loan pursuant to the provisions of the National Housing Act or any act of Congress supplementary or amendatory thereof or of the Servicemen's Readjustment Act of 1944 or any act of Congress supplementary or amendatory thereof or of the Veterans' Readjustment Act of 1952 or any act of Congress supplementary or amendatory thereof.

SEC. 3. Section 7158 of the Financial Code is amended to read:

7158. An association may make loans secured by the pledge of notes evidencing loans which at the time of such pledge are not in excess of association loan limits and which are secured by property upon which the association might make a direct loan, if such collateral loans at no time exceed 90 percent of the unpaid principal of the notes pledged as collateral security.

CHAPTER 683

An act to amend Sections 8201, 8213, and 8214.1, of the Government Code, relating to notaries public.

[Approved by Governor July 18 1968 Filed with Secretary of State July 18, 1968]

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

SECTION 1. Section 8201 of the Government Code is amended to read:

8201. Every person appointed as notary public shall:

(a) Be at the time of appointment a citizen of the United States and of this state, except as otherwise provided in Section 8203.1 of this chapter.

(b) Have resided in this state for 12 consecutive months immediately preceding his appointment, except as otherwise provided in Section 8203.1.

(c) Be not less than 21 years of age.

(d) Satisfy the Secretary of State that he is of good moral character.

(e) Have satisfactorily answered a written questionnaire on a form prescribed by the Secretary of State to determine the fitness of the person to exercise the functions of the office of notary public. The questionnaire shall be answered before any notary public, and sworn to by such notary public who shall be entitled to a fee of two dollars ($2) for his services with respect thereto. All questions shall be elementary questions based on the statutory law of this state as set forth in the booklet of the laws of California relating to notaries public distributed without charge by the Secretary of State to all applicants for commission as notary public. Applicants shall be permitted to refer to such booklet while taking said examination.

SEC. 2. Section 8213 of the Government Code is amended to read:

8213. Within 20 days from the beginning of the term prescribed in his commission, every person appointed a notary public shall file his official bond, and take, subscribe, and file his oath of office in the office of the county clerk of the county within which he maintains his principal place of business, and the commission shall not take effect unless this is done within the 20-day period. Upon filing the oath and bond, the county clerk shall forthwith transmit to the Secretary of State his certificate setting forth the fact of such filing and containing a copy of the official oath, signed by the notary with his own proper signature, and shall forthwith deliver the bond to the county recorder for recording.

If he transfers his principal place of business from one county to another he shall, within 20 days of such transfer, file a new oath of office and bond, or a duplicate of the original bond, with the county clerk of the county to which he transfers. Unless the required filing is made within the 20-day period prescribed, the commission shall terminate upon the expiration of such period.

A recording fee of two dollars ($2) shall be paid by the person appointed a notary public. Said fee may be paid to the county clerk who shall transmit it to the county recorder.

The county recorder shall record the bond and return it to the county clerk who shall keep the bond for one year following the expiration of the term of the commission for which

the bond was issued after which said bond may be disposed of. Such disposition shall not affect the time for commencement of actions on the bond. A certified copy of the record of the official bond with all affidavits, acknowledgments, endorsements and attachments, may be read in evidence with like effect as the original thereof, without further proof.

SEC. 3. Section 8214.1 of the Government Code is amended to read:

8214.1. The Secretary of State may refuse to appoint any person as notary public upon any of the grounds set forth in subdivisions (a) and (b) hereof, and the Secretary of State may revoke or suspend the commission of any notary public upon any of the following grounds:

(a) Conviction of a felony or of a lesser offense involving moral turpitude or of a nature incompatible with the duties of a notary public.

(b) Adjudication as a bankrupt, or revocation or suspension of a professional license, if such revocation or suspension was for misconduct or dishonesty.

(c) Failure to fully and faithfully discharge any of the duties required of him by this chapter.

(d) When adjudged liable for damages in any suit grounded in fraud, misrepresentation or violation of the state regulatory laws or in any suit based upon his failure to discharge fully and faithfully his duties as a notary public.

If there is a revocation or suspension of a commission pursuant to this section, or a denial of a commission, the person affected shall have the right to a hearing on the matter and such proceeding 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.

CHAPTER 684

An act to add Section 17259 to the Revenue and Taxation Code, relating to personal income tax deductions.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Section 17259 is added to the Revenue and Taxation Code, to read:

17259. (a) In computing taxable income, there shall be allowed as a deduction, except as limited under subsections (b), (c), and (d), any expenses paid or incurred by the taxpayer or his spouse in connection with the adoption of a child by them. Such expenses include any medical and hospital expenses of the mother of an adopted child which are incident to the child's birth, and any welfare agency, legal and other fees or costs relating to the adoption.

(b) A husband and wife who file a joint return may deduct only those adoption expenses which exceed 3 percent of the aggregate adjusted gross income of the husband and wife, and the maximum deduction in any such return for any such expenses shall not exceed one thousand dollars ($1,000).

(c) A married taxpayer who files a separate return may deduct only those adoption expenses which exceed 3 percent of the adjusted gross income of the taxpayer, and the maximum deduction in any such return for any such expenses shall not exceed five hundred dollars ($500).

(d) An unmarried taxpayer filing as a single person or as a head of household may deduct only those adoption expenses which exceed 3 percent of the adjusted gross income of the taxpayer, and the maximum deduction in any such return for any such expenses shall not exceed one thousand dollars ($1,000).

CHAPTER 685

An act to amend Sections 1199 and 1642 of the Insurance Code, relating to insurance.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Section 1199 of the Insurance Code is amended to read:

1199. No domestic incorporated fire, life or marine insurer shall make excess funds investments in purchases of, or loans upon, more than 30 percent of the total in par value or number of outstanding shares of the capital stock of any one corporation, except:

(a) In the purchase of the stock of another admitted domestic insurer; or

(b) With the prior authorization of the commissioner, in the purchase of stock of any other insurance corporation organized under the laws of any other state, or of the Dominion of Canada or of any province of the Dominion of Canada, which is supervised by the state or dominions or provincial insurance commissioner or similar official, and the investments of which comply in substance with the investment requirements and limitations imposed by this code upon like domestic insurers; provided, that no such domestic insurer shall have in the aggregate more than 50 percent of its capital and surplus invested in the stocks of insurance corporations organized under the laws of this state or other states or of the Dominion of Canada or of any province of the Dominion of Canada.

(c) In the purchase of stock of any corporation organized under the laws of this state for the exclusive purpose of engaging in the business of financing insurance premiums and

any and all matters incidental thereto and engaging exclusively in such business and such matters.

(d) Such insurer may purchase or otherwise acquire all or any percent of the issued and outstanding stock of any corporation which is any of the following:

(1) A corporation providing investment advisory, management, or sales services to an investment company or separate account.

(2) A real property holding, developing, managing, or leasing corporation.

(3) A data processing or computer service corporation.

(4) An investment company or companies as defined by the Investment Company Act of 1940, (Title 15, U.S.C., Sec. 80 a-1, et seq.).

(5) A corporation acting as administrative agent for a governmental instrumentality performing insurance-related functions, or for private health and welfare plans.

SEC. 2. Section 1642 of the Insurance Code is amended to read:

1642. An insurer or reciprocal or interinsurance exchange is not eligible for any license under this chapter; but a corporation rendering sales services in connection with a separate account may be licensed irrespective of the extent of ownership of such corporation by an insurer.

CHAPTER 686

An act to amend Section 28141 of, to add Sections 70045.3 and 70054.7 to, and to repeal Article 10.8 (commencing with Section 70030) of Chapter 5 of Title 8 of, the Government Code, relating to compensation of county officers.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Section 28141 of the Government Code is amended to read:

28141. In a county of the 41st class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand eight hundred forty dollars ($9,840) a year. He shall devote his full time during office hours to the duties of his office and shall not engage in the private practice of accounting during his term in office.

(b) The district attorney, seventeen thousand five hundred dollars ($17,500) a year. He shall devote his full time during office hours to the duties of his office and shall not engage in the private practice of law during his term of office.

(c) Each supervisor, six thousand dollars ($6,000) a year for all services rendered as supervisor and as member of the board of equalization. Each supervisor shall also receive ten cents ($0.10) a mile for each mile actually and necessarily traveled when traveling within or without the county on county business. In lieu of mileage, supervisors may use automobiles provided and maintained by the county in connection with the performance of their official duties.

(d) Trial jurors in the superior court shall receive six dollars ($6) for each day's attendance and mileage at the rate of ten cents ($0.10) for each mile actually and necessarily traveled from their residences to the county seat.

(e) Grand jurors shall receive seven dollars ($7) for each day's attendance and ten cents ($0.10) for each mile actually traveled. Grand jurors shall also receive, with the approval of the judge of the superior court, expenses incurred by them in the performance of their duties. The fees and mileage shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 2. Article 10.8 (commencing with Section 70030) of Chapter 5 of Title 8 of the Government Code is repealed.

SEC. 3. Section 70045 3 is added to the Government Code, to read:

70045.3. Notwithstanding the provisions of Section 70045, in any county having a population of 19,000 and under 24,000, as determined by the 1960 federal census, each regular official court reporter shall be paid an annual salary of nine thousand five hundred dollars ($9,500), payable in monthly installments from the general fund of the county, for reporting and taking notes in all matters of the superior court, hearings in the juvenile court, in the preliminary examination of those accused of crimes before magistrates, proceedings before the grand jury, and at coroner's inquests when requested by the coroner.

In addition to such salary, the reporter shall be entitled to the fees provided by Sections 69950, 69951, 69952, and 69953.

Reporters pro tempore shall be paid a per diem as provided in Section 69948 and such other fees as may be allowed the regular court reporter pursuant to Sections 69950, 69951, 69952, and 69953. Such per diem, traveling and other expenses, and the fees chargeable to the county under the terms of the above provisions shall be a proper county charge.

The general provisions of Article 11 (commencing with Section 70040), Chapter 5, Title 8, of this code, shall apply herein where such provisions are not in conflict with the provisions of this section.

The board of supervisors of the county may provide the court reporter with equipment for the performance of his duties.

Regular official court reporters shall be entitled to the same privileges with respect to retirement, vacation, sick leave and other benefits allowed to employees of the county.

SEC. 4. Section 70054.7 is added to the Government Code, to read:

70054.7. In a county with a population of at least 19,000 but less than 24,000 as determined by the 1960 federal census the fee required by Section 70053 shall be five dollars and fifty cents ($5.50).

CHAPTER 687

An act to add Section 21456 to the Government Code, relating to survivors allowance.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Section 21456 is added to the Government Code, to read:

21456. The provisions of this chapter shall not be deemed to create a right of subrogation to any amounts paid as a survivors allowance under Sections 21361 or 21365.5 or under Article 6 (commencing with Section 21380) of Chapter 9 of Part 3 of Division 5 of Title 2 of the Government Code.

CHAPTER 688

An act to amend Sections 43003, 44030, 44031, and 46150 of the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Section 43003 of the Water Code is amended to read:

43003. The board shall establish equitable bylaws, rules, and regulations for the most economical and efficient distribution and use of water within the district, and pursuant thereto may enter into long-term water service contracts with landowners in the district. The bylaws, rules, regulations, and contracts shall recognize and shall be subject to such priorities in the right to water between the different consumers of the water as may legally exist.

SEC. 2. Section 44030 of the Water Code is amended to read:

44030. If a contract with the state, the department, any other district, or the United States requires the payment by the district of periodic service charges, the amount shall be levied from time to time as an assessment on land in the district, to the extent that funds are not otherwise available for the payment of such charges. Upon request of the board, assessment commissioners shall be appointed under Chapter 2 (commencing with Section 46150) of Part 9 of this division who shall determine the portion of the total benefits to accrue to the district under the contract which will be realized by each parcel of land in separate ownership in the district. The determination shall be stated in apportionment rolls substantially in form and manner as provided in Chapter 2 of Part 9 of this division, except that the apportionment of benefits shall be stated in percentages of benefits to the district as a whole, or in such other manner as may be determined upon by the commissioners. Thereafter all assessments levied in order to meet the payments due or to become due under the contract shall be apportioned among the respective tracts of land in accordance with the rolls. Any such assessment shall be collected in the same manner as an original assessment.

SEC. 3. Section 44031 of the Water Code is amended to read:

44031. If a contract with the state, the department, any other district, or the United States requires the payment by the district of capital charges in periodic installments, the total amount of such charges may be levied in the same manner as an original assessment pursuant to Chapter 2 (commencing with Section 46150) of Part 9 of this division, or the respective amounts of such installments may be levied from time to time in the same manner as periodic service charges, as provided in Section 44030, but an assessment or assessments shall in any event be levied in such a manner as to provide for the payment of all such charges, for which funds are not otherwise available, as they become due under the contract.

SEC. 4. Section 46150 of the Water Code is amended to read:

46150. If a district project is adopted as provided in Chapter 3 (commencing with Section 42500) of Part 5 of this division, the commission, upon request of the board, shall appoint three commissioners, one of whom shall be a civil engineer and one shall have a practical knowledge of irrigation.

SEC. 5. Sections 2 and 4 of this act shall not affect any matter involved in litigation pending on the effective date of this act with respect to the duties of assessment commissioners appointed by the California Districts Securities Commission subsequent to October 1, 1967, and prior to the effective date of this act.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and

shall go into immediate effect. The facts constituting such necessity are:

Several water storage districts have had only specified parts of their costs or contractual obligations with the United States, the state, or other public agencies assessed upon benefited lands, and have entered into long-term contracts with landowners; other water storage districts are now proceeding with the planning, financing and construction of irrigation projects to enable them to provide needed water for agriculture in such districts by utilizing the supply which will soon become available from the State of California, and a question has been raised relative to their power to continue in the established manner or to proceed in the manner proposed. In order to clarify existing provisions and remove any question of the validity of established practice, to facilitate the financing of these projects, and to assure their completion as soon as practicable, and thereby to make provision for the water needed to preserve the health and safety of the citizens residing in the affected areas, it is now necessary to amend the law with respect to assessments and water service contracts of water storage districts, and it is therefore essential that this act go into immediate effect.

CHAPTER 689

An act to amend Section 1156 of the Government Code, relating to payroll deductions.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Section 1156 of the Government Code is amended to read:

1156. State officers and employees may authorize deductions to be made from their salaries or wages for the payment of:

(a) Premiums on any basic health benefits plan provided for under Part 5 (commencing with Section 22751) of Division 5 of Title 2 of this code.

(b) Premiums on National Service Life Insurance or United States Government Converted Insurance.

(c) Dues in any bona fide association if the association, or the unit thereof, is comprised principally of employees and former employees of agencies of the State of California.

(d) Shares or obligations to any regularly chartered credit union.

(e) Recurrent fees or charges payable to a state agency under a collection plan approved by the Director of General Services and the State Controller.

(f) Premiums on any insurance policy or payments for any other membership benefit program sponsored by an employee organization as defined in Section 3501 of this code and recognized under the provisions of Section 3507 of this code.

(g) Payments for insurance or other employee benefit programs sponsored by a state agency under appropriate statutory authority.

SEC. 2. This act shall neither affect the continuation of deductions nor the solicitation of additional members for insurance or other programs which are made at the time this act becomes effective and were authorized by law prior to the effective date hereof.

CHAPTER 690

An act to amend Section 11166.12 of the Health and Safety Code, relating to narcotics.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Section 11166.12 of the Health and Safety Code is amended to read:

11166.12. The provisions of this code with reference to the writing of narcotic prescriptions on official triplicate blanks and the filling thereof do not apply to any of the following:

(a) Codeine, dihydrocodeine, or dihydrocodeinone combined with other active nonnarcotic medicinal ingredients.

(b) Codeine in combination with apomorphine hydrochloride, ethylmorphine hydrochloride, noscapine, and papaverine hydrochloride.

(c) Preparations containing not more than two grains of opium to the fluid or avoirdupois ounce combined with other active nonnarcotic medicinal ingredients.

(d) Apomorphine hydrochloride.

(e) Ethylmorphine hydrochloride.

(f) Papaverine hydrochloride.

(g) Noscapine (formerly narcotine).

(h) Pharmaceutical preparations in solid or liquid form containing not more than 2½ milligrams diphenoxylate and not less than 25 micrograms atropine sulfate per dosage unit.

Any of the combinations mentioned in the above subsections may be dispensed upon an oral prescription which must be reduced to handwriting, by the pharmacist, before filling the prescription. The name and address of the person for whom prescribed and the name, address, telephone number and registered number of the prescriber must be recorded on the prescription.

CHAPTER 691

An act to amend Sections 3110, 3114, and 5372 of the Streets and Highways Code, relating to assessment districts.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

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

SECTION 1. Section 3110 of the Streets and Highways Code is amended to read:

3110. The proposed boundaries of the assessment district to be assessed in proceedings shall be described by resolution or ordinance adopted by the legislative body prior to the hearing on the formation or extent of such district. The description of the proposed boundaries shall be by reference to a map of the assessment district which shall indicate by a boundary line the extent of the territory included in the proposed assessment district and such map shall govern for all details as to the extent of such district. Such map shall also contain the name of the city and a distinctive designation, in words or by number, of the district shown thereon.

The map shall be legibly drawn, printed or reproduced by a process that provides a permanent record. Each sheet of paper or other material used for such map shall be eighteen (18) by twenty-six (26) inches in size, shall have clearly shown therein the particular number of the sheet, the total number of sheets comprising the map, and its relation to each adjoining sheet, and shall have encompassing its border a line that leaves a blank margin one inch in width.

The map shall be labeled substantially as follows: Proposed Boundaries of (here insert name or number of district) Assessment District, (here insert name of city and county thereafter), State of California.

If the map consists of more than one page, the same entitlement shall be on each page.

The map shall also have thereon legends reading substantially as follows:

(1) Filed in the office of the (clerk of the legislative body) this _____ day of _____ 19___.

_____
(Clerk of the legislative body)

(2) I hereby certify that the within map showing proposed boundaries of (here insert name or number of district) Assessment District, (here insert name of city, and, if not a county, insert name of county thereafter), State of California, was approved by the city council (or other appropriate legislative body) of the (here insert city) at a regular meeting thereof, held on the _____ day of _____, 19__, by its Resolution No. __.

(3) Filed this _____ day of _____, 19__, at the hour of _____ o'clock __ m. in Book _____ of Maps of Assessment Districts in the office of the county recorder in the County of _____, State of California.

_____
(County Recorder of County of _____)

SEC. 2. Section 3114 of the Streets and Highways Code is amended to read:

3114. (a) After the confirmation by the legislative body of any assessment, the clerk of the legislative body shall cause to be filed in the office of the county recorder a copy of the assessment diagram.

(b) Said assessment diagram shall be prepared by the engineer responsible for engineering work. The assessment diagram shall be legibly drawn, and at least one copy thereof shall be printed or reproduced by a process that provides a permanent record. Each sheet of paper or other material used for such permanent record map shall be eighteen (18) by twenty-six (26) inches in size, shall have clearly shown thereon the particular number of the sheet, the total number of sheets comprising the map, its relation to each adjoining sheet, and shall have encompassing its border a line that leaves a blank margin one inch in width.

Said map shall be labeled substantially as follows: Assessment Diagram, (here insert name or number of district) Assessment District, (here insert city and name of county thereafter), State of California.

Said map shall also have thereon legends reading substantially as follows:

(1) Filed in the office of the (clerk of the legislative body), this _____ day of _____, 19__.

_____
(Clerk of the legislative body)

(2) Recorded in the office of the (superintendent of streets) this _____ day of _____, 19__.

_____
(Superintendent of Streets)

(3) An assessment was levied by the city council (or other appropriate legislative body) on the lots, pieces, and parcels of land shown on this assessment diagram. Said assessment was levied on the _____ day of _____, 19__; said assessment diagram and the assessment roll were recorded in the office of the superintendent of streets of said city on the _____ day of _____, 19_ . Reference is made to the assessment roll recorded in the office of the superintendent of streets for the exact amount of each assessment levied against each parcel of land shown on this assessment diagram.

_____
(Clerk of the legislative body)

(4) Filed this _____ day of _____, 19__, at the hour of _____ o'clock __M. in Book _____ of Maps of As-

sessment Districts in the office of the county recorder of the County of _____, State of California.

_____
(County Recorder of County of _____)

(c) The clerk shall file a copy of the assessment diagram referred to in subdivision (b) in the office of the county recorder of the county in which all or any part of the assessment district shown on such assessment diagram is located upon payment of the filing fee. The filing of said assessment diagram shall be made by the clerk.

(d) The county recorder shall endorse upon the assessment diagram filed with him, pursuant to subdivision (c), the time and date of filing and shall fasten the same securely in the "Book of Maps of Assessment Districts" in which he is obligated to keep boundary maps under the provisions of Section 3112 of this code. The county recorder shall cross-index such assessment diagram by reference to the city conducting the proceedings and by reference to page of the book of maps of assessment districts in which the boundary map of said district was filed in said book.

(e) After the confirmation by the legislative body of any assessment and the recording of the assessment and diagram in the office of the street superintendent or other officer of the city in whose office such assessment and diagram shall have been recorded, the clerk of the legislative body shall execute and record a notice of assessment in the office of the county recorder of each county in which all or any part of the assessment district is located. Such notice of assessment shall be in substantially the following form:

NOTICE OF ASSESSMENT

Pursuant to the requirements of Section 3114 of the Streets and Highways Code, the undersigned clerk of the legislative body of _____, State of California, hereby gives notice that a diagram and assessment were recorded in the office of the _____ of said city as provided for in said section, and relating to the following described real property:

(The real property in the assessment district may be described by: (a) stating its exterior boundaries; or (b) giving a description thereof according to any official or recorded map; or (c) referring to the assessment diagram filed in accordance with subdivisions (c) and (d) of Section 3114 and the book and page number in the office of the county recorder of such filed plat or map.)

Notice is further given that upon the recording of this notice in the office of the county recorder, the several assessments assessed on the lots, pieces, and parcels shown on said filed assessment diagram shall become a lien upon the lots or portions of lots assessed, respectively.

Reference is made to the assessment diagram and assessment roll recorded in the office of the _____ of the said city.

Dated: _____

If the assessment district is located in two or more counties, the notice above set forth, in lieu of the paragraph following the description of the property, shall state:

Notice is further given that the above-described real property is located in the counties of _____ and _____ and upon the recording of this notice in the office of the county recorder of all such counties, effective upon the date of the last such recording, the several assessments on the lots, pieces, and parcels shown on said filed assessment diagram shall become a lien upon the lots or portions of lots assessed, respectively.

SEC. 3. Section 5372 of the Streets and Highways Code is amended to read:

5372. The warrant, diagram and assessment shall be recorded in the office of the superintendent of streets and in accordance with Section 5372.1 and may be recorded at any hour of the calendar day. Immediately thereafter the clerk shall record a notice of assessment, as provided for in Section 3114, whereupon, as provided in Section 3115, said assessment shall attach as a lien upon the property assessed.

CHAPTER 692

An act to add Section 15516 to the Education Code, relating to public school buildings.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 15516 is added to the Education Code, to read:

15516. No school building examined and found to be unsafe for school use pursuant to Section 15503 and not repaired or reconstructed in accordance with the provisions of this article shall be used as a school building for elementary and secondary school or junior college purposes after June 30, 1975.

CHAPTER 693

An act to amend Section 1806 of the Vehicle Code, relating to the Department of Motor Vehicles' records.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 1806 of the Vehicle Code is amended to read:

1806. The department shall file all accident reports and abstracts of court records of convictions received under this code, and in connection therewith, shall maintain convenient records or make suitable notations in order that an individual record of each license showing the convictions of the licensee and the traffic accidents for which he was cited for a violation under this code are readily ascertainable.

CHAPTER 694

An act to amend Section 226 of the Civil Code, and to amend Section 1441 of the Probate Code, relating to adoptions.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 226 of the Civil Code is amended to read:

226. Any person desiring to adopt a child may for that purpose petition the superior court of the county in which the petitioner resides and the clerk of the court shall immediately notify the State Department of Social Welfare at Sacramento in writing of the pendency of the action and of any subsequent action taken. In all cases in which consent is required, except in the case of an adoption by a stepparent where one natural or adoptive parent retains his or her custody and control of the child, unless an agency licensed by the State Department of Social Welfare to find homes for children and place children in homes for adoption joins in the petition for adoption, the petition shall contain an allegation that the petitioners will file promptly with the department or the county adoption agency information required by the department in the investigation of the proposed adoption. The omission of such allegation from a petition so filed shall not, however, affect the jurisdiction of the court to proceed, nor shall it have heretofore affected the jurisdiction of any court to have proceeded, upon such petition omitting such allegation, in any manner provided in this chapter or otherwise, nor shall such

omission have affected or affect the validity of any decree of adoption or other order heretofore or hereafter made by any court with respect to such petition omitting such allegation.

The caption of the petition for adoption of a minor shall contain the name or names of the petitioners but shall not contain the name of the minor. The petition shall contain the sex and date of birth of the minor. The name that the minor had prior to adoption shall appear in the petition or, in the case where a licensed adoption agency joins in the petition, the name may appear in the joinder signed by the adoption agency. The decree of adoption shall contain the adopted name of the minor but shall not contain the name that the minor had prior to adoption.

SEC. 2. Section 1441 of the Probate Code is amended to read:

1441. Before making the appointment, such notice as the court or a judge thereof deems reasonable must be given to the person having the care of the minor and to such relatives of the minor residing in the state as the court or judge deems proper. In all cases notice must be given to the parents of the minor or proof made to the court that their addresses are unknown, or that, for other reason, such notice cannot be given. Notice shall not be given to the parents or other relatives of a minor who has been relinquished to a licensed adoption agency or who has been declared free from the custody and control of his parents.

CHAPTER 695

An act to add Section 1009 to the Education Code, relating to governing boards of school districts.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 1009 is added to the Education Code, to read:

1009. The governing board of any school district shall adopt and cause to be printed and made available to each certificated employee of the district reasonable rules and regulations providing for the evaluation of the performance of certificated employees in their assigned duties.

CHAPTER 696

An act to add Section 5544.2 to the Public Resources Code, relating to regional park districts.

[Approved by Governor July 18, 1968 Filed with Secretary of State July 18, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 5544.2 is added to the Public Resources Code, to read:

5544.2. A district may acquire all necessary and proper lands and facilities, or any portion thereof, by means of a plan to borrow money or by purchase on contract. The amount of indebtedness to be incurred shall not exceed an amount equal to the anticipated tax income for the next two-year period derived pursuant to Section 5545. All such indebtedness which is incurred on or after July 1, 1968, shall be repaid in approximately equal annual installments during a period not to exceed 10 years from the date on which it is incurred and shall bear interest at a rate not exceeding 6½ percent per annum payable annually or semiannually or in part annually and in part semiannually. Each such indebtedness shall be authorized by a resolution adopted by the affirmative votes of at least four-fifths of the members of the district board and shall be evidenced by a promissory note or contract signed by at least four-fifths of the members of the district board. At the time of making the general tax levy after incurring each such indebtedness and annually thereafter until such indebtedness is paid or until there is a sum in the treasury set apart for that purpose sufficient to meet all payments of principal and interest on such indebtedness as they become due, a portion of the taxes levied and collected pursuant to Section 5545 shall be levied and collected and set aside sufficient to pay the interest on such indebtedness and such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness authorized by vote of the electors.

CHAPTER 697

An act to add Sections 4.1 and 4.2 to the Orange County Water District Act (Chapter 924, Statutes of 1933), relating to officers, agents or employees of the Orange County Water District.

[Approved by Governor July 18, 1968 Filed with Secretary of State July 18, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 4.1 is added to the Orange County Water District Act (Chapter 924, Statutes of 1933), to read:

Sec. 4.1. The district may employ counsel to defend any action brought against it or against any of its officers, agents, or employees on account of any claimed action or inaction involving any claimed injury, taking, damage, or destruction, and in the case of an action brought against an officer, agent, or employee it is alleged that the action or inaction was in his official capacity, and the fees and expenses involved therein shall be a lawful charge against the district.

SEC. 2. Section 4.2 is added to the Orange County Water District Act (Chapter 924, Statutes of 1933), to read:

Sec. 4.2. If any officer, agent, or employee of the district is held liable for any act or omission in his official capacity, except in case of actual fraud or actual malice, and any judgment is rendered thereon, the district shall pay the judgment without obligation for repayment by the officer, agent, or employee.

CHAPTER 698

An act to amend Sections 595 and 1054.1 of the Code of Civil Procedure, relating to continuances.

[Approved by Governor July 18, 1968. Filed with Secretary of State July 18, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 595 of the Code of Civil Procedure is amended to read:

595. The trial of any civil action, or proceeding in a court, or of any administrative proceeding before a state board or commission or officer, irrespective of the date of the filing thereof or when it became at issue, or the hearing of any motion, demurrer, or other proceeding, shall be postponed to a date certain when it appears to the court, board, commission, or officer before which such action or proceeding is pending that either a party thereto, or any attorney of record therein (whether he became an attorney of record before or after the commencement of a legislative session or before or after his appointment to a legislative committee), or a principal witness, is a Member of the Legislature of this state and that the Legislature is in session or in recess (not exceeding a recess of forty (40) days) or that a legislative interim committee of which he is a duly appointed member is meeting, or is to meet within a period which the court finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel. When the Legislature is in session or in recess such action or proceeding shall not, without the consent of the attorney of record therein, be brought on for trial or hearing

before the expiration of thirty (30) days next following final adjournment of the Legislature or the commencement of a recess of more than forty (40) days. If a date is available during recess, continuance shall be given if possible to such earlier date. When a legislative committee is meeting or is to meet within a period which the court finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel, such action or proceeding shall not, without the consent of the attorney of record therein, be brought on for trial or hearing before the expiration of such period necessary following the adjournment or recess of the committee meeting as the court finds is reasonably necessary to enable the member to reach the place of trial or hearing by the ordinary mode of travel from the place of the committee meeting, unless at the expiration of that period the Legislature is to be in session; and in that case the action or proceeding shall not, without such consent, be brought on for trial or hearing before the expiration of thirty (30) days next following final adjournment or the commencement of a recess of more than forty (40) days. If a date is available during the recess, continuance shall be given to such earlier date. However, any postponement granted under the provisions of this paragraph shall suspend for the same period of time as the postponement, the running of any period of time for any ruling or proceeding by a court, board, commission, or officer, or for the performance by any party of any act affected by said postponement.

Granting of a continuance pursuant to this section is mandatory unless the court determines that such continuance would defeat or abridge a right to relief pendente lite in a paternity action or a right to invoke a provisional remedy such as pendente lite support in a domestic relations controversy, attachment and sale of perishable goods, receivership of a failing business, and temporary restraining order or preliminary injunction, and that the continuance should not be granted.

SEC. 2. Section 1054.1 of the Code of Civil Procedure is amended to read:

1054.1. When an act to be done in any action or proceeding in any court of this state or before any state administrative agency, as provided by law or rule, relates to the pleadings in the action, or the undertakings to be filed, or the justification of sureties, or the preparation of bills of exceptions, or of amendments thereto, or to the service of notices (other than of appeal, of intention to move for a new trial, and of intention to move to vacate a judgment), and such act is not a motion for a judgment notwithstanding the verdict, the time allowed therefor, unless otherwise expressly provided, shall be extended to a date certain by the judges of the court or by the agency in which the action or proceeding is pending, or by the judge who presided at the trial of said action, when it appears to the judge of any court or to the agency to whom such application is made that an attorney of record for the party apply-

ing for such extension is a Member of the Legislature of this state, and that the Legislature is in session or in recess not exceeding a recess of forty (40) days or that a legislative committee of which he is a duly appointed member is meeting or is to meet within a period which the court or agency finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel. When the Legislature is in session or in recess, extension shall be to a date not less than thirty (30) days next following the final adjournment of the Legislature or the commencement of a recess of more than forty (40) days. If a date is available during recess, extension shall be to such earlier date. When a legislative committee is meeting or is to meet within a period which the court or agency finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel, extension shall be for such period as the court or agency finds will be reasonably necessary to enable the member to perform the act to be done in the action or proceeding, unless said extension would expire when the Legislature is to be in session; and in that case the extension shall be to a date not less than thirty (30) days following the final adjournment of the Legislature or the commencement of a recess of more than forty (40) days. If such act may be reasonably done by the member within such recess, continuance shall be to such earlier date. However, any postponement granted under the provisions of this section shall suspend for the same period of time as the postponement, the running of any period of time for any ruling or proceeding by a court, board, commission, or officer, or for the performance by any party of any act affected by said postponement.

Extension of time pursuant to this section is mandatory unless the court determines that such extension would defeat or abridge a right to relief pendente lite in a paternity action or a right to invoke a provisional remedy such as pendente lite support in a domestic relations controversy, attachment and sale of perishable goods, receivership of a failing business, and temporary restraining order or preliminary injunction, and that the continuance should not be granted.

CHAPTER 699

An act to amend Sections 1773 and 1773.4 of the Labor Code, relating to public works.

[Approved by Governor July 22, 1968. Filed with Secretary of State July 22, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 1773 of the Labor Code is amended to read:

1773. The body awarding any contract for public work, or otherwise undertaking any public work, shall ascertain the

general prevailing rate of per diem wages in the locality in which the public work is to be performed for each craft, classification or type of workman needed to execute the contract, and shall specify in the call for bids for the contract, and in the bid specifications and in the contract itself, what the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work in the locality is for each craft, classification or type of workman needed to execute the contract. The holidays upon which such rates shall be paid need not be specified by the awarding body, but shall be all holidays recognized in the collective bargaining agreement applicable to the particular craft, classification or type of workman employed on the project. In lieu of specifying the prevailing rate of per diem wages in the call for bids the awarding body may refer to copies thereof at its principal office, which shall be made available to any interested party on request, and in such case the contractor shall post a copy thereof at each jobsite. In the event the awarding body chooses to refer to a copy of the prevailing rate of per diem wages on file at its principal office, in lieu of specifying them in each call for bids, the awarding body shall publish its determination of the prevailing rate of per diem wages in a newspaper of general circulation at least one time during each year, and, if there is any change in the prevailing rate during the course of any year, the awarding body shall specify the changes in the first call for bids made by the awarding body thereafter.

In determining such rates, the awarding body shall ascertain and consider the applicable wage rates established by collective bargaining agreements and such rates as may have been predetermined for federal public works, within the locality and in the nearest labor market area. Where such rates do not constitute the rates actually prevailing in the locality, the awarding body shall obtain and consider further data from the labor organizations and employers or employer associations concerned, including the recognized collective bargaining representatives for the particular craft, classification or type of work involved. The rate fixed for each craft, classification or type of work shall be not less than the prevailing rate paid in such craft, classification or type of work.

SEC. 2. Section 1773.4 of the Labor Code is amended to read:

1773.4. Any prospective bidder or his representative, any representative of any craft, classification or type of workman involved, or the awarding body may, within 20 days after commencement of advertising of the call for bids by the awarding body, file with the Director of Industrial Relations a verified petition to review the determination of any such rate or rates upon the ground that they have not been determined in accordance with the provision of Section 1773 of this code. Within two days thereafter, a copy of such petition shall be filed with the awarding body. The petition shall set forth the

facts upon which it is based. The Director of Industrial Relations or his authorized representative shall, upon notice to the petitioner, the awarding body and such other persons as he deems proper, including the recognized collective bargaining representatives for the particular crafts, classifications or types of work involved, institute an investigation or hold a hearing. Within 10 days after the filing of such petition he shall make a determination and transmit the same in writing to the awarding body and to the interested parties.

Such determination shall be final and shall be the determination of the awarding body. Upon receipt by it of the notice of the filing of such petition the body awarding the contract or authorizing the public work shall extend the closing date for the submission of bids or the starting of work until five days after the determination of the general prevailing rates of per diem wages pursuant to this section.

Upon the filing of any such petition, notice thereof shall be set forth in the next and all subsequent publications by the awarding body of the call for bids. No other notice need be given to bidders by the awarding body by publication or otherwise. The determination of the director shall be included in the contract.

SEC. 3. This act shall become operative on July 1, 1969.

CHAPTER 700

An act to amend Section 21605 of the Public Utilities Code, relating to navigational facilities and making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 21605 of the Public Utilities Code is amended to read:

21605. The division may, as principal on behalf of the state, lease for a period of three years a navigational system of the hyperbolic area-coverage type, including all technicians, evaluation charting, and installation of the manned chain, 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 on the first day of the month following the month in which this act becomes effective, and for each year thereafter for a total three-year period,

there is appropriated from the Airport Assistance Revolving Fund the sum of one hundred thirty-four thousand dollars ($134,000) per year, and from the Harbors and Watercraft Revolving Fund the sum of sixty-six thousand dollars ($66,000) per year, for the lease of a hyperbolic area-coverage type navigational system including all technicians, evaluation charting, and installation of manned chain. This appropriation shall supersede the appropriation made by Section 2 of Chapter 1638, Statutes of 1967, Regular Session.

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 such pilot project, making use of such navigational system, may become operative before the onset of the next period of foggy weather, this act must take effect immediately.

CHAPTER 701

An act to amend Sections 13223, 13224 and 13237 of the Education Code, relating to teacher education internships, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 13223 of the Education Code is amended to read:

13223. Any school district may establish a teacher education internship program to meet the provisions of the statutes and of the regulations of the State Board of Education for regular standard teaching, pupil personnel, supervision, and administration credentials.

SEC. 2. Section 13224 of the Education Code is amended to read:

13224. For admission to all teaching internship programs authorized by this article, an applicant shall have a baccalaureate or higher degree from an institution approved for credential purposes by the State Board of Education at the time the degree was earned.

SEC. 3. Section 13237 of the Education Code is amended to read:

13237. Salary payments for supervision of interns may be made out of district funds and may be met by reducing proportionately the salaries paid interns. Under this authorization no more than eight interns may be supervised by one staff member and the normal district salary paid each intern may be reduced by as much as, but no more than, one-eighth

to pay the salary of the supervisor. In no event may an intern be paid less than the minimum salary required to be paid by the state to a regularly certificated teacher.

SEC. 4. This act shall become operative July 1, 1968.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Due to the necessity for the recruitment of teacher interns during the spring of 1968 to participate in an intern program for the school year 1968–69, and due to the desirability of preteaching instruction during the summer of 1968 for such interns, it is necessary for the effective and efficient operation of programs for such interns that legislative authorization for such programs commence with the school year 1968–69.

CHAPTER 702

An act to amend Section 19553 of the Education Code, relating to school district public works.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 19553 of the Education Code is amended to read:

19553. As used in this chapter:

(a) "Board" means the State Allocation Board, created by Section 7 of the Construction and Employment Act as amended.

(b) "Director" means the Director of Education.

(c) Notwithstanding any other provision of law, the term "project" shall be deemed to include any or all of the purposes for which a school district has applied for apportionments under this chapter, pursuant to such regulations as the State Allocation Board may adopt.

(d) "Grade level maintained by a district" means (1) the kindergarten, if any, and grades 1 to 6, or grades 1 to 8, inclusive, maintained by an elementary school district or a unified school district; or (2) grades 7 to 12, grades 9 to 12, inclusive, or grades 7 to 10, inclusive, maintained by a high school district or unified school district; and (3) grades 13 and 14 maintained by a high school district, unified school district, or junior college district, but not more than one grade level shall be claimed by any district under any one of the subdivisions of this paragraph.

(e) "Apportionment" means an apportionment made under this chapter unless the context otherwise requires. The term

"apportionment" in Sections 19620, 19626, 19628, 19629, 19631, 19632, and any other section in this chapter where the context justifies, shall be deemed to include funds of a school district required by the board to be contributed toward the purposes thereof. It is hereby declared that this construction is not intended as a change in the present law but rather as a declaration of existing law.

CHAPTER 703

An act to add Section 20009.2 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 20009.2 is added to the Government Code, to read:

20009.2. "Public agency" also includes a nonprofit corporation formed for the primary purpose of assisting the development and expansion of the educational, research, and scientific activities of a district agricultural association formed pursuant to Part 3 (commencing with Section 3801) of Division 3 of the Agricultural Code, and the nonprofit corporation described in the California State Exposition and Fair Law (Article 3 (commencing with Section 3551) of Chapter 3 of Part 2 of Division 3 of the Agricultural Code).

CHAPTER 704

An act to provide for the cancellation or refund of property taxes, and declaring the urgency thereof, to take immediate effect.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1967 or 1968 on property as to which the welfare, cemetery or church exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of Division 1 of the Revenue and Taxation Code as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of Division 1 of the Revenue and Taxation Code as if it had been

erroneously collected. No claim for a cancellation or refund of taxes pursuant to this section shall be granted if an appropriate application for exemption is not filed on or before January 15, 1969.

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:

Some organizations otherwise qualified for the welfare, cemetery or church exemption have failed to file the appropriate forms therefor in a timely manner, and as a result now are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the application for the exemption. In doing so, the public policy of the state as expressed in the Constitution will be entirely fulfilled and the state as a whole will benefit.

CHAPTER 705

An act to amend Section 25459 of, and add Article 4 (commencing with Section 25451) to Chapter 2 of Division 18.5 of, the Education Code, relating to junior colleges.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 25459 of the Education Code is amended to read:

25459. On and after February 1, 1963, no district, except a junior college district, shall be formed to maintain a junior college. No district, except a junior college district, shall maintain a junior college on and after July 1, 1970.

A separate junior college district may be formed by a unified school district pursuant to the provisions of Article 3.5 (commencing with Section 25450) of this chapter or Article 4 (commencing with Section 25451) of this chapter.

SEC. 2. Article 4 (commencing with Section 25451) is added to Chapter 2 of Division 18.5 of the Education Code, to read:

Article 4. Alternative Provision for Formation of a Junior College District From Territory of a Unified District Maintaining a Junior College

25451. Where a unified school district maintains one or more junior colleges, a junior college district may, pursuant to this article, be formed for purposes of maintaining the one or more junior colleges. The provisions of Article 1 (com-

mencing with Section 25430) of this chapter and Article 3.5 (commencing with Section 25450) of this chapter shall not apply to proceedings to form a junior college district under this article.

25451.3. The governing board of the unified district may by resolution form a separate junior college district coterminous with the boundaries of the petitioning district. The governing board of the unified district shall serve also as the governing board of the junior college district.

25451.5. The governing board shall establish, for junior college purposes, separate fiscal procedures, including a separate budget, separate policy development, and separate agenda consideration at meetings of the governing board. Such fiscal procedures, policy development, and agenda shall be separate from those of the unified district.

25451.7. In any case where a junior college district and a unified district have a common governing board pursuant to the provisions of this article, such governing board shall submit to the county committee a list of real and personal property, funds and other assets, and obligations of the original unified school district. The county committee shall provide for the evaluation and division between the junior college district and the unified school district of the real and personal property, funds and other assets, and obligations of the original unified school district. In addition, the county committee shall cooperate with the unified district and the junior college district in establishing procedures for handling the separate fiscal operations.

25451.9. In any case where a junior college district and a unified district have a common governing board pursuant to the provisions of this article, such governing board may, on or before December 31 in any even-numbered year, on its own initiative, determine that a separate junior college district governing board be established and require the members of the common board to elect as to which board they shall serve upon. The junior college board so created shall be composed of the same number of members as the common board.

25452. If an individual, whose term on the common governing board is to expire on June 30 of the second succeeding odd-numbered year following the even-numbered year set out in Section 25451.9, elects to serve on the junior college district governing board only, such act shall be deemed to have created a vacancy in his membership on the unified district governing board commencing on the first day of July of the first odd-numbered year following such even-numbered year. Such vacancy shall be filled as provided by law.

In any odd-numbered year first succeeding the year set out pursuant to Section 25451.9 on the same date upon which the election for members of the common governing board is held, an election shall be held in the junior college district to elect members to the junior college district governing board to fill the positions of the governing board members whose terms will

expire on June 30 of such odd-numbered year, and the other governing board members, if any, whose terms will expire on June 30 of the next succeeding odd-numbered year, and who have elected, pursuant to Section 25451.9, to serve as members of the unified district board only. Of the members elected to the governing board of the junior college district at that election, those receiving the lowest number of votes shall be deemed to have been elected to the positions, if any, held by members whose terms would otherwise have expired in the next succeeding odd-numbered year and who elected to serve on the unified district governing board only. The first term of office of any such newly elected member receiving such lower number of votes shall expire on June 30 of the next succeeding odd-numbered year. The election shall be held throughout the junior college district, and the members elected to the junior college district governing board thereat shall be elected at large.

25452.3. Whenever, under the procedure prescribed in this article, a junior college district is formed to assume the maintenance and operation of any junior college previously maintained and operated by a unified school district, all employees of such unified district employed in connection with such junior college during the school year preceding the school year in which the newly formed junior college district becomes effective for all purposes shall choose whether to be designated employees of the new junior college district or be designated employees of the unified district. All employees shall retain all personal rights, benefits, and status which they had accumulated or to which they were entitled in such unified district.

25452.4. When a junior college district is established pursuant to this article in a unified district not subject to the provisions of Article 5 (commencing with Section 13701) of Chapter 3 of Division 10 of this code, the common board of the two districts shall adopt policies, relating to the classified service, which permit transfers, promotions, or other assignments between the two districts as if the single unified district, including the junior college system, was being maintained. The common board may specify that certain rules are applicable only to the classified service of the junior college or that the rule is applicable only to the classified service of the unified district, to meet the special problems of the two districts.

Should the common board be dissolved as provided for in Section 25451.9, the rights, benefits, and burdens of classified employees will be fixed pursuant to Section 13584 and Section 13584.3, even though the type of district reorganization required herein is not specifically defined in those two sections. The governing board of the junior college district shall, initially, adopt the rules and regulations governing its classified service which had prevailed under the common board.

25452.5. Notwithstanding other provisions of law to the contrary, when a unified district was subject to the provisions of Article 5 (commencing with Section 13701) of Chapter 3

of Division 10 of this code prior to the separation as provided for in this article, the personnel commission of the unified district shall also serve as the personnel commission for the junior college district. It may, however, adopt certain rules specifically applicable only to the junior college district to meet special problems of that district, and it may, in any rule, provide that the rule is not applicable to the junior college district.

The commission shall provide for transfers, promotional opportunities, and other matters referred to in Sections 13713 and 13714 or other applicable provisions for classified personnel of both districts as if the single unified district, which included the junior college system, was being maintained.

Should the common board be dissolved as provided for in Section 25451.9, the provisions of Sections 13584 and 13584.1 shall apply. The governing board of the junior college district shall cause a personnel commission to be established under law applicable to the personnel commission of the unified district. The personnel commission of the junior college district shall, initially, adopt the rules and regulations of the personnel commission which had served both districts.

CHAPTER 706

An act to add Section 2716 to the Penal Code, relating to inmate employment.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 2716 is added to the Penal Code, to read:

2716. (a) The Director of Corrections may enter into agreements with other state agencies for the use of inmates confined in the state prisons to perform work necessary and proper to be done by them in facilities of such state agencies for the purpose of vocational training and the improvement of job skills preparatory to release.

(b) The director shall determine which prisoners shall be eligible for such assignment and training.

(c) Suitable facilities for the housing, care, and feeding of the inmates may be provided by the agency for whom the work is performed at the location of such agency.

(d) The director shall have full jurisdiction over the discipline and control of the inmates assigned.

(e) The provisions of Title 5 (commencing with Section 4500) of Part 3 shall apply to all persons on such assignment.

(f) No work project shall be undertaken under this section without the approval of the Correctional Industries Commission.

CHAPTER 707

An act to amend Sections 14663, 14664, and 14665 of, and to add Section 14639.1 to, the Education Code, relating to district retirement system plan.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 14663 of the Education Code is amended to read:

14663. If a person whose accumulated contributions have been returned to him thereafter reenters the system within 39 months after such return of his contributions, he may at any time after his reentry elect to redeposit said contributions, or, if he reenters the system more than 39 months after such return of his contributions, he may elect to redeposit said contributions returned to him after he has rendered two years of creditable service subsequent to his reentry. Such redeposit shall include interest from the date of return of the contributions by the district to the date of redeposit, at such rates and within such period as the rules of the governing board may provide, but such period shall be not less than five years, or limited to the date of retirement or subsequent termination of service for reason other than death, whichever shall first occur.

SEC. 2. Section 14664 of the Education Code is amended to read:

14664. Upon reentry to membership, the person's rate of contribution shall be the rate applicable to his age on the date of his reentry, except as follows:

(a) The person's rate of contribution shall be the same as before his termination of service if not more than 39 months have elapsed between the return of contributions by the district and the person's reentry to membership and if the person elects within 60 days after his reentry to redeposit such contributions with interest as provided in Section 14663.

(b) If a person, to whom the provisions of subdivision (a) do not apply, elects to redeposit his contributions with interest pursuant to Section 14663, his rate of contributions on service rendered subsequent to the first of the month following the date such election is received in the retirement office shall be the rate applicable to the age attained by deducting the period from the date of return of his contributions to the date of reentry from the exact age attained at the time of reentry. Such election shall not be deemed to be received prior to the completion of two years of creditable service subsequent to his reentry.

SEC. 3. Section 14665 of the Education Code is amended to read:

14665. Except as otherwise provided in this code, all rights under the district retirement plan as of the date of termination of service, including the right to pension benefits and credit for prior service, if any, shall be restored to any member who redeposits his accumulated contributions as provided in Section 14663; but any member who reenters the system and does not elect to redeposit his accumulated contributions with interest, as provided in Section 14663, or any member who having elected to redeposit his accumulated contributions, with interest, as provided in Section 14663, subsequently does not make such redeposit, reenters as a new member without credit for any service except the prior service credited to him before termination of his service, and his rate of contribution for future years is that for his age at reentrance.

SEC. 4. Section 14689.1 is added to the Education Code, to read:

14689.1. Notwithstanding any other provision of this chapter to the contrary, except as otherwise provided in Section 14376 a person who has retired for service pursuant to this chapter may be reemployed after two or more years from the effective date of retirement by the district from whose employment he retired, but in any event not until after the approval of such reemployment by the retirement board of the particular district retirement system, and, if applicable, the approval of the Teachers' Retirement System.

If any person fails to comply with the requirements in this section, the employment shall be invalid and the person shall be liable to reimburse the school district for any compensation paid in such employment.

If any person who has retired is reemployed, after complying with the provisions of this section, in a status requisite to membership in the retirement system, or in any other certificated capacity except as otherwise provided in Section 14376, his retirement allowance shall cease at the close of the day next preceding such employment, and he shall be reinstated to membership in the retirement system.

The balance of any reserves held on account of any person returned to membership in a retirement system under the provisions of this section, shall be transferred to the appropriate accounts from which originally derived.

Subsequent retirement by a person who has been previously retired under the provisions of Section 14694.9 shall be limited as provided under Section 14372.

CHAPTER 708

An act to amend Section 4051 of the Agricultural Code, and to amend Section 19630 of the Business and Professions Code, relating to district fairs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 4051 of the Agricultural Code is amended to read:

4051. An association, with the approval of both the Department of Agriculture and the Department of General Services, may do any of the following:

(a) Contract.

(b) Purchase, acquire, hold, sell, exchange, or convey any interest in real or personal property and beautify or improve such property. Any acquisition of land or other real property shall be subject to the Property Acquisition Law, Part 11 (commencing with Section 15850), Division 3, Title 2 of the Government Code.

(c) Lease, let, or grant licenses for the use of its real estate or personal property, or any portion of such property to any person or public body for whatever purpose may be approved by the board.

(d) Use or manage its real estate or personal property or any portion of such property for any or all of the purposes of this section jointly with any lessee, sublessee or licensee, or otherwise use or manage the property in connection with such lease, sublease or license which is made or granted.

(e) Lease or let its real property for public park, recreational, or playground purposes.

(f) Rent or permit the use of its premises for any purpose which is beneficial to the agricultural industry, including but not limited to the holding of sales or auctions of cattle or other livestock.

(g) Contract with any county or county fair association for holding a fair jointly with the county or county fair association. The joint fair is a district fair of the association.

(h) Make permanent improvements upon publicly owned real property adjacent to real property of the district when such improvements materially benefit the property of the district.

SEC. 2. Section 19630 of the Business and Professions Code is amended to read:

19630. There is hereby appropriated annually from the second balance of the fund, for expenditure without regard to fiscal years, the sum of two million two hundred fifty thousand dollars ($2,250,000) or so much thereof as may be approved by the State Public Works Board and allocated by the Di-

rector of Agriculture in his discretion for any of the following:

(a) Permanent improvements for fair purposes upon the property of any county or district agricultural association fair which is subject to the provisions of Section 4505 of the Agricultural Code, or of any citrus fruit fair defined in Section 4603 of the Agricultural Code, or other citrus fruit fair and exposition qualified to receive an allocation under Section 19626.

(b) The purchase of equipment for fair purposes of such fairs, citrus fruit fairs and citrus fruit fairs and expositions.

(c) The acquisition or purchase of real property, including costs of appraisal and incidental costs, to be used as sites for the permanent improvements specified in subdivision (a).

(d) Permanent improvements upon publicly owned real property adjacent to the real property of any district agricultural association fair which is subject to the provisions of Section 4505 of the Agricultural Code, when such improvements materially benefit the property of the district.

Any unappropriated money in the fund shall be transferred to the General Fund by the State Controller.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for district agricultural associations to construct needed permanent improvements upon adjacent publicly owned property during the period in which such construction is feasible and before the opening dates of the 1968 fairs, this act must take effect immediately.

CHAPTER 709

An act to amend Sections 15801, 15905, 15933, 16221, 16251 and 16272 of, to repeal Sections 15803, 15804, 15805, 15806 and 15908 of, and to add Sections 15803 and 15804 to, the Revenue and Taxation Code, relating to gift taxes.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 15801 of the Revenue and Taxation Code is amended to read:

15801. In a case not involving a false or fraudulent return or failure to file a return, the amount of tax imposed by this part shall be determined by the Controller at any time after the tax is due, but not later than three years after the return is filed; provided, that the determination may be made within

such time after the expiration of said three-year period as may be agreed upon in writing between the Controller and the donor or other person liable for the tax.

SEC. 2. Section 15803 of the Revenue and Taxation Code is repealed.

SEC. 3. Section 15803 is added to the Revenue and Taxation Code, to read:

15803. In any case in which the tax has been determined in an erroneous amount, the Controller may, within three years after the erroneous determination was made, set aside the determination or issue an amended determination in the correct amount of tax due.

SEC. 4. Section 15804 of the Revenue and Taxation Code is repealed.

SEC. 5. Section 15804 is added to the Revenue and Taxation Code, to read:

15804. The Controller shall give notice of the amount of tax determined, together with any penalty for failure to file a return or to show any transfer in the return filed, by personal service or by mail to the person filing the return at the address stated in the return, or, if no return is filed, to the person liable for the tax. Copies of the notice of determination may in like manner be given to such other persons as the Controller deems advisable.

SEC. 6. Section 15805 of the Revenue and Taxation Code is repealed.

SEC. 7. Section 15806 of the Revenue and Taxation Code is repealed.

SEC. 8. Section 15905 of the Revenue and Taxation Code is amended to read:

15905. The tax is delinquent 90 days after the first notice of determination is given, whether or not such determination is thereafter amended by the Controller or modified by a judgment of the superior court.

The Controller for good cause may postpone the date of delinquency for not more than six months.

SEC. 9. Section 15908 of the Revenue and Taxation Code is repealed.

SEC. 10. Section 15933 of the Revenue and Taxation Code is amended to read:

15933. The bond shall be filed in the office of the Controller within 90 days after notice of any determination or amended determination is given.

SEC. 11. Section 16221 of the Revenue and Taxation Code is amended to read:

16221. Any person who has made a payment of tax in excess of the amount determined to be due, or an heir, the executor of the will, or the administrator of the estate of any such person, but not his assign, is entitled to a refund in the amount erroneously paid within one year after the payment, or within one year after notice of the determination or, if

amended, notice of the amended determination is given, whichever period is later.

SEC. 12. Section 16251 of the Revenue and Taxation Code is amended to read:

16251. Within three years after the tax becomes delinquent, any person who has paid or is liable for the tax may bring an action against the state in the superior court having jurisdiction to have the tax modified, in whole or in part.

SEC. 13. Section 16272 of the Revenue and Taxation Code is amended to read:

16272. In the event an overpayment results from the judgment of any court modifying the amount of tax previously determined to be due, interest shall be allowed at the rate of 6 percent per annum upon the amount of the overpayment, from the date of the payment or collection thereof to the date of allowance of credit on account of such judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Controller.

CHAPTER 710

An act to add Section 2396.6 to the Business and Professions Code, relating to physicians and surgeons.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 2396.6 is added to the Business and Professions Code, to read:

2396.6. Notwithstanding any other provision of this chapter, any person holding a physician's and surgeon's certificate under the jurisdiction of the Board of Osteopathic Examiners of the State of California, who can prove to the satisfaction of the Board of Medical Examiners of the State of California that he did not make the election to use the term or suffix "M.D." prior to December 31, 1962, due to out-of-state hospitalization for illness, shall be authorized to use the term or suffix "M.D.," and such use shall not be unprofessional conduct, so long as such person, on or before the 60th day after the effective date of this section, advises both the Board of Medical Examiners and the Board of Osteopathic Examiners, in writing, that he has elected to use the term or suffix "M.D.," and has elected not to use the term or suffix "D.O." In the event of such election, the use of the term or suffix "D.O." constitutes unprofessional conduct within the meaning of this chapter.

CHAPTER 711

An act to add Section 30282 to the Revenue and Taxation Code, relating to cigarette taxation.

[Approved by Governor July 25, 1968 Filed with Secretary of State July 25, 1968]

The people of the State of California do enact as follows:

SECTION 1. Section 30282 is added to the Revenue and Taxation Code, to read:

30282. If the board finds that a person's failure to make a timely report or payment is due to reasonable cause and circumstances beyond the person's control, and occurred notwithstanding the exercise of ordinary care and in the absence of willful neglect, the person may be relieved of the penalty provided by Sections 30171, 30221, and 30281.

Any person seeking to be relieved of the penalty shall file with the board a statement under penalty of perjury setting forth the facts upon which he bases his claim for relief.

CHAPTER 712

An act to amend Section 9561 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 25, 1968 Filed with Secretary of State July 25, 1968]

The people of the State of California do enact as follows:

SECTION 1. Section 9561 of the Vehicle Code is amended to read:

9561. No penalty fee shall be assessed for the delinquent payment of a vehicle registration fee when subsequent to the date on which the fee and penalty became due the vehicle is repossessed on behalf of any legal owner if the vehicle registration and transfer of registration fee for the vehicle is paid within 30 days of taking possession, and a transfer of registration to a new owner is applied for during that time.

CHAPTER 713

An act to amend Sections 470 and 475 of the Penal Code, relating to forgery.

[Approved by Governor July 25, 1968 Filed with Secretary of State July 25, 1968]

The people of the State of California do enact as follows:

SECTION 1. Section 470 of the Penal Code is amended to read:

470. Every person who, with intent to defraud, signs the name of another person, or of a fictitious person, knowing that he has no authority so to do, to, or falsely makes, alters, forges, or counterfeits, any charter, letters patent, deed, lease, indenture, writing obligatory, will, testament, codicil, bond, covenant, bank bill or note, post note, check, draft, bill of exchange, contract, promissory note, due bill for the payment of money or property, receipt for money or property, passage ticket, trading stamp, power of attorney, or any certificate of any share, right, or interest in the stock of any corporation or association, or any controller's warrant for the payment of money at the treasury, county order or warrant, or request for the payment of money, or the delivery of goods or chattels of any kind, or for the delivery of any instrument of writing, or acquittance, release, or receipt for money or goods, or any acquittance, release, or discharge of any debt, account, suit, action, demand, or other thing, real or personal, or any transfer or assurance of money, certificate of shares of stock, goods, chattels, or other property whatever, or any letter of attorney, or other power to receive money, or to receive or transfer certificates of shares of stock or annuities, or to let, lease, dispose of, alien, or convey any goods, chattels, lands, or tenements, or other estate, real or personal, or any acceptance or indorsement of any bill of exchange, promissory note, draft, order, or any assignment of any bond, writing obligatory, promissory note, or other contract for money or other property; or counterfeits or forges the seal or handwriting of another; or utters, publishes, passes, or attempts to pass, as true and genuine, any of the above-named false, altered, forged, or counterfeited matters, as above specified and described, knowing the same to be false, altered, forged, or counterfeited, with intent to prejudice, damage, or defraud any person; or who, with intent to defraud, alters, corrupts, or falsifies any record of any will, codicil, conveyance, or other instrument, the record of which is by law evidence, or any record of any judgment of a court or the return of any officer to any process of any court, is guilty of forgery.

SEC. 2. Section 475 of the Penal Code is amended to read:

475. Every person who has in his possession, or receives from another person, any forged promissory note or bank bill, or bills, or any counterfeited trading stamp, or stamps, for the payment of money or property, with the intention to pass the same, or to permit, cause, or procure the same to be uttered or passed, with the intention to defraud any person, knowing the same to be forged or counterfeited, or has or keeps in his possession any blank or unfinished note or bank bill made in the form or similitude of any promissory note or bill for payment of money or property, made to be issued by any incorporated bank or banking company, or any blank or unfinished check, money order, or traveler's check, made in the form or similitude of any check, money order, or traveler's check, whether the parties thereto are real or fictitious, with

intention to fill up and complete such blank and unfinished note or bill, check, money order, or traveler's check, or to permit, or cause, or procure the same to be filled up and completed in order to utter or pass the same, or to permit, or cause, or procure the same to be uttered or passed, to defraud any person, is punishable by imprisonment in the state prison for not less than one nor more than 14 years, or by imprisonment in the county jail for not more than one year.

CHAPTER 714

An act to amend Section 831.4 of the Government Code, relating to injury on public property.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 831.4 of the Government Code is amended to read:

831.4. A public entity, public employee, or a grantor of a public easement to a public entity for any of the following purposes, is not liable for an injury caused by a condition of:

(a) Any unpaved road which provides access to fishing, hunting or primitive camping, recreational or scenic areas and which is not a (1) city street or highway or (2) county, state or federal highway or (3) public street or highway of a joint highway district, boulevard district, bridge and highway district or similar district formed for the improvement or building of public streets or highways.

(b) Any hiking, riding, fishing or hunting trail.

CHAPTER 715

An act to amend Sections 9009 and 9127 of the Financial Code, relating to liquidation and conservatorship.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 9009 of the Financial Code is amended to read:

9009. When the commissioner takes possession of the business, property, and assets of an association, he may appoint a custodian, receiver, or liquidator. The commissioner may require a good and sufficient bond from the custodian, receiver, or liquidator and place him in charge as his representative.

SEC. 2. Section 9127 of the Financial Code is amended to read:

9127. An association, within 10 days after the appointment of a conservator, unless such appointment was at the request of its board of directors, may commence an action in the superior court of the county in which the principal office of the association is located to enjoin further proceedings, and whenever the commissioner takes possession of an association's property, business and assets from a conservator appointed by the commissioner the association may within 15 days after the taking of such possession commence an action in the superior court of such county to enjoin further proceedings. In either case the court, after citing the commissioner to show cause why further proceedings should not be enjoined, hearing the allegations and proofs of the parties, and determining the facts, may upon the merits dismiss such action, or enjoin the commissioner (and the conservator, if in possession) from further proceedings and direct the commissioner or the conservator to surrender the property, business and assets of the association. Section 9004 is applicable to appeals from any such judgment, and Sections 9005 and 9006 are applicable to demands by a conservator for possession of the property, business and assets of an association. When a conservator takes possession of the property, business and assets of an association, the provisions of Section 9007 are applicable.

CHAPTER 716

An act to amend Sections 632 and 634 of the Code of Civil Procedure, relating to judicial findings and conclusions.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 632 of the Code of Civil Procedure is amended to read:

632. 1. In superior courts and municipal courts, upon the trial of a question of fact by the court, written findings of fact and conclusions of law shall not be required, except as herein provided.

In superior courts, upon such trial, the court shall announce its intended decision. Within the time after such announcement permitted by rules of the Judicial Council, any party appearing at the trial may request findings. Unless findings are requested, the court shall not be required to make written findings and conclusions.

In municipal courts, findings and conclusions shall be deemed waived unless expressly requested by one or more of the parties at the time of the trial; provided, that the court

shall not be required to make any written findings and conclusions in any case in which the amount of the demand, exclusive of interest and costs, or the value of the property in controversy, does not exceed five hundred dollars ($500).

In any such trial in the superior or municipal court, findings and conclusions may be waived by consent in writing filed with the clerk or judge, or by oral consent in open court, entered in the minutes, and shall be deemed waived by a party by failure to appear at the trial.

Where findings are required, they shall fairly disclose the court's determination of all issues of fact in the case.

The procedure for requesting, preparing, and filing written findings and conclusions and the written judgment of the court shall be in accordance with rules adopted by the Judicial Council. Judgment shall be entered as provided in Section 664.

2. In justice courts, upon trial by the court, no written findings of fact and conclusions shall be required in any case, and judgment shall be entered as provided in Section 664.

SEC. 2. Section 634 of the Code of Civil Procedure is amended to read:

634. When written findings and conclusions are required, and the court has not made findings as to all facts necessary to support the judgment or a finding on a material issue of fact is ambiguous or conflicting, and the record shows that such omission, ambiguity or conflict was brought to the attention of the trial court either prior to entry of judgment or in conjunction with a motion under Section 657 or 663, it shall not be inferred on appeal or upon a motion under Section 657 or 663 that the trial court found in favor of the prevailing party as to such facts or on such issue.

SEC. 3. This act shall become operative January 1, 1969. It shall not, however, affect any trial in the superior court in which the announcement of intended decision was made prior to January 1, 1969.

CHAPTER 717

An act to amend Section 69614 of the Government Code, relating to superior courts.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 69614 of the Government Code is amended to read:

69614. In the County of Santa Cruz there shall be three judges of the superior court.

CHAPTER 718

An act to add Section 25351.6 to the Government Code, relating to county property.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 25351.6 is added to the Government Code, to read:

25351.6. As used in Section 25351.3 the term "related facilities," in connection with music halls or centers constructed and operated pursuant thereto, shall include, without limitation thereto, any institutes or academies for the performing arts, specifically including the arts of music, drama, and dance, and any other facilities which in the opinion of the board may be reasonably necessary for the full, complete and convenient public use of such music halls and centers.

CHAPTER 719

An act to add Section 553.1 to, and to repeal Section 553.1 of, the Welfare and Institutions Code, relating to juvenile proceedings.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 553.1 is added to the Welfare and Institutions Code, to read:

553.1. Notwithstanding the provisions of Section 553 of this code, a probation officer of a county appointed by a judge pursuant to Section 575 who has at least four years' experience in juvenile probation work with a county probation office consisting of supervising and counseling minors, including not less than one year as assistant probation officer, may be appointed referee for the purpose of holding detention hearings and performing the functions of a referee pursuant to Article 6 (commencing with Section 625) of this chapter.

This section shall remain in effect only until September 1, 1972, and on and after such date shall have no force or effect.

SEC. 2. Section 553.1 of the Welfare and Institutions Code is repealed.

SEC. 3. Section 2 of this act shall become operative on September 1, 1972.

CHAPTER 720

An act to add Section 16606 to the Business and Professions Code, relating to unfair competition.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 16606 is added to the Business and Professions Code, to read:

16606. The customer list, including the names, addresses, and identity of customers, of a telephone answering service shall constitute a trade secret and confidential information of, and shall belong to, the owner of the telephone answering service.

CHAPTER 721

An act to amend Sections 5001.5 and 5006.3 of the Public Resources Code, relating to classification of the state park system.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 5001.5 of the Public Resources Code is amended to read:

5001.5. All units which are or shall become a part of the California state park system shall be classified by the State Park Commission into one of following categories:

(a) State parks, which consist of relatively spacious areas of outstanding scenic or wilderness character, oftentimes containing also significant historical, archaeological, ecological, geological, and other scientific values, preserved as nearly as possible in their original or natural condition and providing opportunity for appropriate types of recreation where such will not destroy or impair the features and values to be preserved. Commercial exploitation of resources is prohibited.

(b) Scenic or scientific reserves, which consist of areas of outstanding natural significance, where the major values are in their natural geological, faunal, or floral characteristics. The purpose of a scenic or scientific reserve is directed primarily toward the preservation of its outstanding natural features. Developments shall be for the purpose of making the areas available for public enjoyment in a manner consistent with the preservation of natural values.

(c) Historical units, to be named appropriately and individually, which consist of areas usually limited in size, established primarily to preserve objects of historical and scientific

interest, and places commemorating important persons or historic events. The only facilities usually provided are those required for the safety and comfort of the visitors such as access, parking, water, sanitation, interpretive devices, and sometimes facilities for picnicking and other recreation facilities. Certain agricultural, mercantile, or other commercial activity usually prohibited in scenic parks or reserves may be permitted, provided those activities are properly regulated, and are a part of the history of the individual area, and enhance the historic scene.

(d) State recreation areas. These areas shall be selected and developed primarily to provide nonurban outdoor recreation opportunities to meet other than purely local needs but having the best available scenic quality. Camping, picnicking, swimming, hiking, horseback riding, boating, fishing, and hunting may be provided. The provision of such activities shall be the primary reason for operating recreational areas.

(e) State beaches. Areas with frontage on the oceans or bays designed primarily to provide swimming, boating, fishing, and other waterfront activities. Other coastal areas acquired primarily for the scenic and scientific values shall be included in the classification "scenic or scientific reserves."

(f) Wayside campgrounds. Scenic, historical, or recreational areas suitable for overnight camping with convenient access to highways.

SEC. 2. Section 5006.3 of the Public Resources Code is amended to read:

5006.3. The department shall acquire sites for wayside campgrounds adjacent to the Westside Freeway, State Highway Route 5. The following general vicinities shall be given first consideration:

(a) Kern River.
(b) South of Kettleman City.
(c) Mercy Springs Road.
(d) Orestimba Creek.
(e) San Joaquin River near Mossdale.

CHAPTER 722

An act to amend Section 1449 of the Penal Code, relating to criminal proceedings in inferior courts.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 1449 of the Penal Code is amended to read:

1449. In inferior courts, after a plea, finding or verdict of guilty, or after a finding or verdict against the defendant on

a plea of former conviction or acquittal, or once in jeopardy, the court must appoint a time for pronouncing judgment which must not be less than six hours, nor more than five days, after the verdict or plea of guilty, unless the defendant waives the postponement; provided, however, that the court may extend the time not more than 10 days for the purpose of hearing or determining any motion for a new trial, or in arrest of judgment; and provided further, that the court may extend the time not more than 21 days in any case where the question of probation is considered; provided, however, that upon request of the defendant or the probation officer such time may be further extended not more than 90 days additional. In case of postponement, the court may hold the defendant to bail to appear for judgment. If in the opinion of the court there is a reasonable ground for believing a defendant insane, the court may extend the time of pronouncing judgment and may commit the defendant to custody until the question of insanity has been heard and determined.

In the event that the defendant is a veteran who was discharged from service for mental disability, upon his request his case shall be referred to the probation officer, who shall secure a military medical history of such defendant and present it to the court together with his recommendation for or against probation.

CHAPTER 723

An act to add Sections 34332.5, 34332.6, and 34332.7 to the Government Code, relating to cities.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 34332.5 is added to the Government Code, to read:

34332.5. In any county having a population of more than 2,000,000, the board of supervisors may, by two-thirds vote, convey any parking lot owned by the county and situated within the boundaries of an incorporated city to such city for public parking purposes, without consideration other than the agreement by the city to continue to use and maintain the property as a public parking lot.

SEC. 2. Section 34332.6 is added to the Government Code, to read:

34332.6. Section 34332.5 shall apply only to parking lots acquired principally from revenues raised through onstreet or offstreet parking fees for the specific purpose of parking lot development, and shall not apply to lots purchased through expenditures from the General Fund or other means to serve as sites for other types of facilities.

SEC. 3. Section 34332.7 is added to the Government Code, to read:

34332.7. Section 34332.5 shall not apply until all liens or financial obligations attached to such lots have been satisfied.

CHAPTER 724

An act to add Sections 166 and 2512.5 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 166 is added to the Revenue and Taxation Code, to read:

166. (a) Whenever a taxpayer is required to file any statement, payment, affidavit, application, or any other paper or document with a taxing agency by a specified time on a specified date, such filing shall be deemed to be within the specified period if it is sent by United States mail, properly addressed with postage prepaid, and bears a post office cancellation mark of the specified date, or earlier within the specified period, stamped on the envelope, or on itself, or if proof satisfactory to the agency establishes that the mailing occurred on the specified date, or earlier within the specified period.

(b) The provisions of this section shall supersede any contrary special provision of this division unless such special provision specifically provides that this section shall not be applicable.

(c) The provisions of this section are applicable to any filing required to be made by ordinance, rule, or regulation of a taxing agency.

(d) It is the intent of the Legislature that this section be liberally construed in favor of the taxpayer and be applicable to all filings relating to property taxation which are required to be made by a taxpayer by a specified time on a specified date.

SEC. 2. Section 2512.5 is added to the Revenue and Taxation Code, to read:

2512.5. If a remittance to cover a payment required by law to be made to a taxing agency prior to a specified date and hour before being delinquent is deposited in the United States mail in a sealed envelope, properly addressed with postage prepaid, on the date the same becomes delinquent, the remittance shall be deemed received before delinquency on the date shown by the post office cancellation mark stamped upon the envelope containing the remittance or on the date it was mailed if proof satisfactory to the agency establishes that the mailing occurred on an earlier date. The taxing agency is not required to accept such a payment if it is received more than 30 days after the date and time set by law for the payment.

CHAPTER 725

An act to add Chapter 5 (commencing with Section 19800) to Division 8 of, and to repeal Chapter 5 (commencing with Section 19800) of Division 8 of, the Business and Professions Code, relating to the standard bread loaf.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 5 (commencing with Section 19800) of Division 8 of the Business and Professions Code is repealed.

SEC. 2. Chapter 5 (commencing with Section 19800) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 5. STANDARD BREAD LOAF

19800. All loaves of bread, sliced or unsliced, made or procured for the purpose of sale, sold, offered or exposed for sale in the State of California shall weigh as specified in this chapter.

19801. Any bakery may bake, and sell upon the premises where baked loaves of bread which weigh eight ounces, or less, avoirdupois.

19802. A "standard loaf" of bread shall weigh 16 ounces (1 lb.) net weight.

19803. A "standard large loaf" of bread shall weigh 24 ounces (1½ lbs.) net weight.

19804. Larger loaves having weights that are multiples of the weight of a "standard loaf" may be made or procured for sale. Loaves larger than three pounds may only be sold to restaurants, caterers, sandwich makers, hotels, commissaries, institutions and public eating places.

19805. Whenever any bread is wrapped, in any wrapping, for sale through retail outlets, there shall appear on the body of the wrapping, or on the insert band, in letters clear and legible in a minimum height of one-quarter inch the content declaration which complies in all respects with Chapter 6 (commencing with Section 12601) of Division 5 of this code and the act of Congress entitled the "Fair Packaging and Labeling Act" (P.L. 89-755).

19806. Any person, firm or corporation who shall make or procure for the purpose of sale, sell, offer or expose for sale within the State of California any bread in loaves otherwise than as provided in this chapter, or in conflict with the standard weights of bread when baked as fixed by this chapter, shall be guilty of a misdemeanor.

19807. The check weighing of bread by a weights and measures official shall be made on the premises of the baker, or the retail store from which the bread is offered for sale,

and shall be governed in all respects by the provisions of Article 5 (commencing with Section 2930) of Subchapter 2 of Chapter 8 of Title 4 of the California Administrative Code.

19808. The enforcement of the provisions of this chapter shall be under the supervision of the Chief of the State Bureau of Weights and Measures.

19809. Any person who violates any provision of this chapter shall be guilty of a misdemeanor.

19810. The provisions of this chapter shall not apply to "stale bread" when sold as such.

CHAPTER 726

An act to amend Sections 985 and 987.15 of, and to repeal Sections 81, 86, 987.11, and 996.15, Article 5 (commencing with Section 992.1) and Article 7 (commencing with Section 997) of Chapter 6 of Division 4 of, the Military and Veterans Code, relating to military and veterans affairs.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 81 of the Military and Veterans Code is repealed.

SEC. 2. Section 86 of the Military and Veterans Code is repealed.

SEC. 3. Section 985 of the Military and Veterans Code is amended to read:

985. Definitions.

(a) "Farm" means a tract of land, which, in the opinion of the department, is capable of producing sufficient to provide a living for the purchaser and his dependents.

(b) "Home" means a parcel of real estate upon which there is a dwelling house and such other buildings as will, in the opinion of the department, suit the needs of the purchaser and his dependents as a place of abode. It includes a "condominium," as defined in subdivision (i) of this section.

(c) "Purchaser" means a veteran or any person who has entered into a contract of purchase of a farm or home from the department.

(d) "Purchase price" means the price which the department pays for any farm or home.

(e) "Selling price" means the price which the department pays for any farm or home.

(f) "Initial payment" means the first payment to be made by a purchaser to the department for a farm or home.

(g) As used in this article, "veteran" includes, in addition to the persons described in Section 980, all members of the

armed services who were residents of California under the provisions of Section 980.

(h) As used in this article, "progress payment plan" means payment by the department for improvements on real property in installments as work progresses.

(i) As used in this article, "condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential building on such real property, such as an apartment, which, in the opinion of the department, suits the needs of the purchaser and his dependents as a place of abode. A condominium may include in addition a separate interest in other portions of such real property.

SEC. 4. Section 987.11 of the Military and Veterans Code is repealed.

SEC. 5. Section 987.15 of the Military and Veterans Code is amended to read:

987.15. The department shall not acquire a home in which the veteran has an interest of record except in the following instances:

(a) Where the application is for aid for the construction of a home upon unimproved real property owned by the applicant.

(b) Where the veteran had no interest of record in the property at the time of filing his application and thereafter secured interim financing pending the processing and approval of his application by the department.

(c) Where the application is to pay the balance due on an existing loan not insured or guaranteed by the federal government, and which bears an interest rate of more than $5\frac{3}{4}$ percent.

SEC. 6. Article 5 (commencing with Section 992.1) of Chapter 6 of Division 4 of the Military and Veterans Code is repealed.

SEC. 7. Section 996.15 of the Military and Veterans Code is repealed.

SEC. 8. Article 7 (commencing with Section 997) of Chapter 6 of Division 4 of the Military and Veterans Code is repealed.

CHAPTER 727

An act to amend Section 7252 and to repeal Section 7253 of the Financial Code, relating to extraordinary appraisements.

[Approved by Governor July 25, 1968 Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 7252 of the Financial Code is amended to read:

7252. If the commissioner finds it necessary or expedient to devote extraordinary attention to the appraisal of the property or loans of an association, he may use for that purpose his own appraisers or independent appraisers, who are disinterested persons. The association whose securities are appraised under this section shall pay to the commissioner upon demand a reasonable price not to exceed an amount equal to one hundred dollars ($100) per day to be fixed by the commissioner for all such services rendered by the commissioner's appraisers or by such independent appraisers.

SEC. 2. Section 7253 of the Financial Code is repealed.

CHAPTER 728

An act to amend Section 68099 of the Government Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 68099 of the Government Code is amended to read:

68099. When war, insurrection, pestilence, or other public calamity, or the danger thereof, or a large influx of criminal cases resulting from a large number of arrests within a short period of time, which threatens the orderly operation of courts within a specified county or judicial district, or the destruction or danger of the building appointed for holding the court renders it necessary, the presiding judge or if there is none, the senior or sole judge of the superior, municipal, or justice court, authorized to hold or preside at a court appointed to be held in a particular place in a county or judicial district may, with the approval of the Chairman of the Judicial Council, by order direct that the court be held or continued at any other place in the county. The order shall be filed with the county clerk, and shall be published as the presiding judge or judge prescribes. In the same manner such presiding judge or judge may revoke the order and appoint another place in the same county for holding the court.

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:

It is often necessary to make a large number of arrests during and following any civil insurrection or disorder, and the authorities are not able to transport such large numbers of arrested persons to the courts for prompt disposition of their cases without great difficulties. Further, the physical facilities

of most courts are not equipped to process such large numbers of arrested persons within a short period of time. Proper facilities for accomplishing proper and speedy court processing often exist within the same county but outside the judicial district of arrest, which do not involve transportation problems to the same extent as the regular facilities. Present laws permitting such court hearings to be held outside the judicial district are time consuming and cumbersome and often cannot be implemented in sufficient time to relieve the congestion. The threat of civil disorders which will necessitate the arresting of large numbers of persons is imminent, and so it is necessary that this act take effect immediately.

CHAPTER 729

An act making an appropriation for the support of the Automobile Accident Study Commission for the 1968–1969 fiscal year.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated out of the Motor Vehicle Fund in the State Treasury the sum of fifty thousand dollars ($50,000) to the Automobile Accident Study Commission in augmentation of Section 6 of Chapter 1256 of the Statutes of 1967 for the expenses of the commission for the 1968–1969 fiscal year.

SEC. 2. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 730

An act to add Section 36069 to the Health and Safety Code, relating to housing for agricultural workers.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 36069 is added to the Health and Safety Code, to read:

36069. No housing authority operating a farm labor center shall limit the period of occupancy of housing units therein by agricultural workers to less than 270 days, if the Director of Agriculture certifies that there are seasonal crops that would keep such workers in the immediate area for such period of time.

CHAPTER 731

An act to add Section 12310.5 to the Business and Professions Code, relating to weights and measures.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 12310.5 is added to the Business and Professions Code, to read:

12310.5. The department shall, upon request, certify and verify the various types of standards of weights and measures used by industry in accordance with the standards certified by the National Bureau of Standards, when such standards are submitted to the department for verification and certification.

The department shall establish a schedule of fees sufficient to cover the cost of furnishing such services. All money received under the provisions of this section shall be paid into the State Treasury and credited to the Department of Agriculture Fund to be expended by the department for the administration of the provisions of this section.

SEC. 2. The fees and revenues derived pursuant to Section 1 of this act shall not be available for expenditure until appropriated.

CHAPTER 732

An act to amend Section 5536 of the Public Resources Code, relating to regional park districts.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 5536 of the Public Resources Code is amended to read:

5536. The board shall establish rules for its proceedings and may provide by ordinance or resolution that each of its members shall receive for each attendance at the meetings of the board the sum of fifty dollars ($50). They shall not receive any other compensation, and a director shall not receive pay for more than two meetings in any one calendar month.

The board of directors shall fill all vacancies on the board, including those caused by the death or resignation of a member, or the establishment of a new ward; but whenever a vacancy exists for 30 days the Governor shall fill the vacancy. The person appointed to fill any vacancy shall hold office for the remainder of the unexpired term of his predecessor, except in the appointment of a person for a newly created ward, in which case such person shall hold office until the next general state election, and his successor is elected and qualified.

CHAPTER 733

An act to amend Section 1684 of the Labor Code, relating to farm labor contractors.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 1684 of the Labor Code is amended, to read:

1684. The Labor Commissioner shall not issue to any person a license to act as a farm labor contractor until:

(a) Such person has executed a written application therefor in a form prescribed by the Labor Commissioner, subscribed and sworn to by such person, accompanied by a filing fee of ten dollars ($10), and containing (1) a statement by such person of all facts required by the Labor Commissioner concerning the applicant's character, competency, responsibility, and the manner and method by which he proposes to conduct his operations as a farm labor contractor if such license is issued, and (2) the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates or profit sharers, in the proposed operation as a farm labor contractor, together with the amount of their respective interests;

(b) The Labor Commissioner, after investigation, is satisfied as to the character, competency, and responsibility of such person;

(c) Such person has deposited with the Labor Commissioner a surety bond in a penal sum of one thousand five hundred dollars ($1,500). Such bond shall be payable to the people of the State of California and shall be conditioned that said farm labor contractor will comply with all the terms and provisions of this chapter and will pay all damages occasioned to any person by failure so to do, or by any violation of the provisions of this chapter, or false statements or misrepresentations made in the procurement of his license; and

(d) Such person has paid to the Labor Commissioner a license fee of seventy-five dollars ($75).

CHAPTER 734

An act to amend Sections 28112 and 70141.9 of the Government Code, relating to compensation of county officers.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 28112 of the Government Code is amended to read:

28112. In a county of the 12th class the following shall receive as full compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, fifteen thousand dollars ($15,000) a year.

(b) The district attorney, twenty-four thousand three hundred thirty-six dollars ($24,336) a year and actual traveling expenses while away from his office on county business. He shall hold no other county office.

(c) Each supervisor, ten thousand five hundred dollars ($10,500) a year, and his actual traveling expenses from his residence to the place of meeting of the board at the county seat when attending board meetings and the necessary actual expenses incurred by him while engaged in county business. Each supervisor shall be available for the performance of the duties of his office at all times during county business hours. Each supervisor shall spend one day in each week, other than the day the board is officially in session, at the office of the board in the county courthouse. The particular day which each supervisor shall be on duty shall be determined by unanimous agreement of the board, or if they do not agree then by lot, so that a supervisor will be on duty on Tuesday, Wednesday, Thursday, and Friday of each week.

(d) For acting as a grand juror, each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, six dollars ($6) a day and ten cents ($0.10) for each mile actually traveled in the performance of such duties, together with other actual and necessary expenses. No mileage shall be allowed for traveling outside of the county.

Trial jurors in the superior court, municipal court and justice courts shall receive for each day's required attendance in court, five dollars ($5), and eight cents ($0.08) for each mile from their residence to and from the place where the court is held, to be allowed only for each day the jurors are required to and do attend.

SEC. 2. Section 70141.9 of the Government Code is amended to read:

70141.9. In any county with population exceeding 306,000 and not exceeding 365,000 as determined by the 1960 federal census, the superior court may provide that the commissioner, in addition to the duty prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code. Any commissioner authorized to perform such duties shall receive a monthly salary as follows: for the first six full calendar months, one thousand five hundred forty-one dollars ($1,541); for the first year thereafter, one thousand six hundred twenty-eight dollars

($1,628); for the next year, one thousand seven hundred twenty dollars ($1,720); for the next year one thousand eight hundred eighteen dollars ($1,818); and thereafter, one thousand nine hundred twenty dollars ($1,920).

CHAPTER 735

An act to add Section 986.35 to the Military and Veterans Code, relating to the veterans' benefits.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 986.35 is added to the Military and Veterans Code, to read:

986.35. The department, after consummating a purchase under the provisions of this article and the veteran having occupied the property as required by Section 986.3 of this code, may waive the occupancy requirement for a period not to exceed four years on a showing of good cause. The department shall establish standards for the occupancy waiver and shall make those standards known.

CHAPTER 736

An act to amend Section 3106 of the Welfare and Institutions Code, relating to narcotic commitments.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 3106 of the Welfare and Institutions Code is amended to read:

3106. At the hearing the court shall determine whether the person is addicted to the use of narcotics or is by reason of the repeated use of narcotics in imminent danger of addiction. The court shall compel the attendance of the physicians who conducted the examination required by Section 3050, 3051, 3100.6 or 3102, who shall testify as to the result of the examination, unless the presence of the physicians is waived and it is stipulated that their affidavit or report may be received in evidence.

CHAPTER 737

An act to amend Section 12814 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 12814 of the Vehicle Code is amended to read:

12814. Application for renewal of a license shall be made at an office of the Department of Motor Vehicles by the person to whom the license was issued. The department may in its discretion require an examination of the applicant as upon an original application; except that the department shall not require an examination of the driving ability of any applicant for the renewal of a four-year license who is otherwise eligible for the renewal of such license unless the department finds evidence of a condition which may affect the ability of the applicant to safely operate a motor vehicle. The age of an applicant, by itself, shall not constitute evidence of such a condition. If the department finds any such evidence, the department shall disclose the evidence to the applicant. In the event such person is absent from the state at the time the license expires, the Director of Motor Vehicles may extend the license for a period of one year from the expiration date of the license.

CHAPTER 738

An act to amend Sections 43642, 46866, 46867, 46952, 46953, 46954, 46955, 46956, 46957, 46960, 46961, 47031, 47069, 47091, and 47121 of, to amend the heading of Article 5 (commencing with Section 46951) of, to amend and renumber the headings of Article 6 (commencing with Section 46981), Article 7 (commencing with Section 47031), Article 8 (commencing with Section 47061), Article 9 (commencing with Section 47091), and Article 10 (commencing with Section 47121), and to add Article 6 (commencing with Section 46971), Article 8 (commencing with Section 47001), and Article 9 (commencing with Section 47015) to Chapter 18 of Division 17 of the Agricultural Code, relating to citrus fruit.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 43642 of the Agricultural Code is amended to read:

43642. It is unlawful for any person to load, ship, transport, or deliver citrus fruits from the orchard where they were produced or elsewhere within the state in any citrus field picking box designed to hold less than 500 pounds that is not standard unless such box is conspicuously marked on an outside end with the word "irregular" and with the cubic content in cubic inches, in letters and figures which are not less than one inch in height. Any citrus field picking box designed to hold more than 500 pounds shall be conspicuously marked on an outside end with the cubic content in cubic inches in letters and figures not less than one and one-half inches in height.

SEC. 2. Section 46866 of the Agricultural Code is amended to read:

46866. Grapefruit shall be mature. Grapefruit, except grapefruit which are produced in the desert areas or in other states under climatic conditions similar to those prevailing in the desert areas, are not mature unless they meet both of the following requirements:

(a) At the time of picking and at all times thereafter the juice contains soluble solids equal to or in excess of five and one-half parts to every part of acid which is contained in the juice. The acidity of the juice shall be calculated as citric acid without water of crystallization.

(b) 90 percent or more of the grapefruit, by count, at the time of picking and at all times thereafter have attained, on at least two-thirds of the fruit surface, at least a minimum characteristic yellow or grapefruit color, as indicated by Color No. 0.9 GY, 6.40/5.7, "Munsell Color."

SEC. 3. Section 46867 of the Agricultural Code is amended to read:

46867. Grapefruit which are produced in the desert areas are not mature unless they meet both of the following requirements:

(a) In view of differences in climatic conditions that prevail in the desert areas, which result in the grapefruit grown in those areas having, at maturity, a higher percentage of soluble solids to acid than the mature grapefruit which are grown in other areas of the state, grapefruit which are produced in the desert areas are considered mature if at the time of picking and at all times thereafter the juice contains soluble solids equal to or in excess of six parts to every part of acid which is contained in the juice. The acidity of the juice shall be calculated as citric acid without water of crystallization.

(b) 90 percent or more of the grapefruit, by count, at the time of picking and at all times thereafter have attained, on at least two-thirds of the fruit surface, at least a minimum characteristic yellow or grapefruit color, as indicated by Color No. 0.9 GY, 6.40/5.7, "Munsell Color."

SEC. 4. The heading of Article 5 (commencing with Section 46951) of Chapter 18 of Division 17 of the Agricultural Code is amended to read:

Article 5. Oranges Generally

SEC. 5. Section 46952 of the Agricultural Code is amended to read:

46952. Oranges shall meet the requirements which are prescribed by this article.

SEC. 6. Section 46953 of the Agricultural Code is amended to read:

46953. Oranges shall be mature. Oranges, except bloods, tangerines, and mandarins, shall not be considered mature unless they comply with one of the following requirements:

(a) The juice contains soluble solids which are equal to or in excess of eight parts to every part of acid which is contained in the juice (the acidity of the juice to be calculated as citric acid without water of crystallization), and 90 percent or more of the oranges in any lot, by count, before picking have attained, on at least one-fourth of the fruit surface, at least a minimum characteristic orange color, as indicated by Color No. 7.5 Y 6/6, "Munsell Color."

(b) The juice contains soluble solids which are equal to or in excess of 10 parts to every part of acid which is contained in the juice (the acidity of the juice to be calculated as citric acid without water of crystallization), and 90 percent or more of the oranges in any lot by count before picking have attained, on at least one-fourth of the fruit surface, a minimum characteristic orange color, as indicated by Color No. 2.5 GY 5.6, "Munsell Color."

No oranges may be accelerated in color unless the juice contains soluble solids equal to, or in excess of, eight parts to every part of acid which is contained in the juice (the acidity of the juice to be calculated as citric acid without water of crystallization).

The tolerances which are allowed by Section 46961 do not apply to the provisions of this section when determining whether any lot of oranges complies with the maturity standard.

SEC. 7. Section 46954 of the Agricultural Code is amended to read:

46954. Oranges shall be free from decay.

SEC. 8. Section 46955 of the Agricultural Code is amended to read:

46955. Oranges shall be free from serious damage due to freezing. Damage from freezing to any one fruit is serious if it causes any of the following conditions:

(a) Damage on the segment walls, as defined in Section 46951.

(b) Drying or desiccation in 20 percent or more of the exposed pulp as shown on a transverse cut through the center.

SEC. 9. Section 46956 of the Agricultural Code is amended to read:

46956. Oranges shall be free from serious damage which is due to drying at the stem or stylar end which results from causes other than freezing. Damage by drying at the stem or stylar end of all oranges which results from causes other than freezing, is not serious unless 20 percent or more of the pulp shows staining, drying, or desiccation.

SEC. 10. Section 46957 of the Agricultural Code is amended to read:

46957. Oranges shall be free from damage which is caused by splits, bruises, or punctures. Damage which is caused by splits, bruises, or punctures in oranges is not serious if the injury is well healed and free from mold or decay.

SEC. 11. Section 46960 of the Agricultural Code is amended to read:

46960. The percentage of serious damage to oranges in containers, or in bulk, may be established by inspection of a representative sample which shall consist of not less than 100 fruits.

SEC. 12. Section 46961 of the Agricultural Code is amended to read:

46961. The following tolerances which are to be applied to the standards that are prescribed by this article are established by this section:

(a) With the exception of serious damage which is caused by freezing, not more than 10 percent, by count, of the oranges in any one container or bulk lot may be below the requirements. but with the exception of serious damage by drying at the stem or stylar end of oranges which results from causes other than freezing. Not to exceed one-half of this tolerance shall be allowed for any one cause.

(b) In the case of serious damage by freezing injury, not more than 15 percent, by count, of the oranges in any one container or bulk lot may be below the requirements, but not to exceed one-third of this tolerance shall be allowed for oranges which show a drying or desiccation in 40 percent or more of the exposed pulp, as shown on a transverse cut through the center.

(c) The total tolerance for a combination of defects shall not exceed the tolerance permitted for any one cause by more then 5 percent, by count.

SEC. 13. The heading of Article 6 (commencing with Section 46981) of Chapter 18 of Division 17 of the Agricultural Code is amended and renumbered to read:

Article 7. Tangerines or Mandarins

SEC. 14. Article 6 (commencing with Section 46971) is added to Chapter 18 of Division 17 of the Agricultural Code, to read:

Article 6. Limes

46971. Limes shall meet the requirements which are prescribed by this article.

46972. Limes shall be mature.

46973. Limes shall be free from decay.

46974. Limes shall be free from serious damage due to freezing and drying at the stem or stylar end. Damage by freezing, drying at stem or stylar end is not serious unless 20 percent or more of the pulp shows staining, drying, desiccation or a mushy condition. Evidence of damage shall be determined by as many cuts of each individual lime as are necessary.

46975. Limes shall be free from serious damage which is caused by splits, bruises or punctures. Damage caused by splits, bruises or punctures in limes is not serious if the injury is well healed and free from mold or decay.

46976. The percentage of serious damage to limes in containers, or in bulk, may be established by inspection of a representative sample which shall consist of not less than 100 fruits.

46977. The following tolerances which are to be applied to the standards that are prescribed by this article are established by this section.

(a) With the exception of serious damage caused by freezing, not more than 10 percent, by count, of the limes in any one container or bulk lot may be below these requirements but with the exception of serious damage by drying at the stem or stylar end of limes which results from causes other than freezing. Not to exceed one-half of this tolerance shall be allowed for any one cause.

(b) In the case of serious damage by freezing injury, not more than 15 percent, by count, of the limes in any container or bulk lot may be below these requirements, but not to exceed one-third of this tolerance shall be allowed for limes which show a drying, desiccation or mushy condition in 40 percent or more of the pulp or edible portion.

(c) The total tolerance for a combination of defects shall not exceed the tolerance permitted for any cause by more than 5 percent, by count.

SEC. 15. Article 8 (commencing with Section 47001) is added to Chapter 18 of Division 17 of the Agricultural Code, to read:

Article 8. Sample, Freezing or Drying Damage

47001. The compliance or noncompliance with the standards for citrus to determine the extent of damage due to freezing or drying may be determined from a representative sample which is selected as follows:

The percentage of serious damage to citrus, in containers or in bulk, due to drying or freezing, may be established by inspection of a representative sample which shall consist of not less than 100 fruits selected at random from a bulk lot or in

equal amounts from each of the containers selected as the sample, except where the total number of fruit in the bulk lot or containers is less than 500 fruit, a representative sample shall consist of not less than 10 percent of the fruit.

SEC. 16. Article 9 (commencing with Section 47015) is added to Chapter 18 of Division 17 of the Agricultural Code, to read:

Article 9. Application of Tolerances Other Than Freezing, Drying or Maturity

47015. The tolerances for the citrus standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

For packages which contain more than 10 pounds and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified.

For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects except that not more than one fruit is decayed or very seriously damaged shall be allowed in any package.

SEC. 17. The heading of Article 7 (commencing with Section 47031) of Chapter 18 of Division 17 of the Agricultural Code is amended and renumbered to read:

Article 10. Count and Size Requirements

SEC. 18. Section 47031 of the Agricultural Code is amended to read:

47031. The compliance or noncompliance with the provisions of Section 47032 to 47036, inclusive, may be determined by a representative sample which shall consist of not less than 10 percent, by count, of the grapefruit, lemons, oranges, or tangerines or mandarins in the container.

SEC. 19. The heading of Article 8 (commencing with Section 47061) of Chapter 18 of Division 17 of the Agricultural Code is amended and renumbered to read:

Article 11. Packing Requirements

SEC. 20. Section 47069 of the Agricultural Code is amended to read:

47069. The compliance or noncompliance with the provisions of this article, may be determined from a representative sample which shall consist of not less than 10 percent, by count, of the grapefruit, lemons, oranges, or tangerines or mandarins in a container.

SEC. 21. The heading of Article 9 (commencing with Section 47091) of Chapter 18 of Divison 17 of the Agricultural Code is amended and renumbered to read:

Article 12. Markings on Containers

SEC. 22. Section 47091 of the Agricultural Code is amended to read:

47091. Every container of oranges, lemons and grapefruit which holds more than 25 pounds and every container of tangerines or mandarins which holds more than 12 pounds, except a container of any such citrus fruit which is intended for shipment directly from this state to the State of Baja, California, Republic of Mexico, or a container which is exempted from the requirements of this section pursuant to Section 47122, shall bear upon it in plain sight and in plainly legible letters on one outside end the following information·

(a) The name of the packer of the citrus fruit together with a sufficiently explicit address to permit ready location of such packer.

(b) In the case of oranges, grapefruit, and lemons. the number and average diameter of the citrus fruit in the container. In the case of tangerines and mandarins, the size of the tangerines or mandarins which are contained in the container in accordance with size specifications in column A of Section 47036. The average diameter and size designation of citrus fruit which is imported from another state need not, however, be shown.

(c) In the case of oranges, grapefruit, and tangerines or mandarins, the name of the variety, if known, and not known, the words "unknown variety" or "seedlings." With respect to all varieties of navel oranges, the varietal designation shall be "Navel"; for all varieties of valencia oranges, "Valencia"; for all varieties of white marsh grapefruit, "Marsh White"; and for all varieties of pink marsh grapefruit, "Marsh Ruby."

SEC. 23. The heading of Article 10 (commencing with Section 47121) of Chapter 18 of Division 17 of the Agricultural Code is amended and renumbered to read:

Article 13. Exceptions to Marking and Packing Requirements

SEC. 24. Section 47121 of the Agricultural Code is amended to read:

47121. As used in this article:

(a) "Consumer-size packages" means those which when full contain 25 pounds or less of oranges, lemons, or grapefruit, or contain 12 pounds or less of tangerines or mandarins.

(b) "Repackaging plant" means any location that has commercial equipment which is normally used for packaging citrus fruits in consumer-size packages.

CHAPTER 739

An act to amend Section 11580.2 of the Insurance Code, relating to uninsured motorists.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

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 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.

(6) To bodily injury of the insured while occupying a motor vehicle owned by an insured, unless the occupied vehicle is an insured motor vehicle.

(7) To bodily injury of the insured when struck by a vehicle owned by an insured.

(d) Subject to paragraph (c)(2), the policy or endorsement may provide that if the insured has insurance available to him under more than one uninsured motorist coverage provision, any damages shall not be deemed to exceed the higher of the applicable limits of the respective coverages, and such damages shall be prorated between the applicable coverages as the limits of each coverage bears to the total of such limits.

(e) The policy or 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.

CHAPTER 740

An act to amend Section 203.1 of, and to add Section 203.2 to, the Code of Civil Procedure, relating to jurors, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 203.1 of the Code of Civil Procedure is amended to read:

203.1. When authorized by local superior court rule, a municipal court district pursuant to duly adopted municipal court rule may, but is not required to, use the same jury panel as that summoned for use in the superior court. Persons so selected for jury duty in the municipal court need not be residents of the municipal court judicial district.

SEC. 2. Section 203.2 is added to the Code of Civil Procedure, to read:

203.2. Section 203.1 shall not be applicable in the County of Alameda.

SEC. 3. Section 2 of this act is necessary since special facts and circumstances applicable to the County of Alameda, and not generally applicable, make the accomplishment of

this purpose impossible by any general law. Special legislation is therefore necessary applicable to the County of Alameda only. The special facts are as follows:

Alameda County has within its boundaries several communities and several municipal court jurisdictions with distinct and substantial community identity resulting in a wide divergence in jury selection. The principal of venue and community identity in Alameda County would, therefore, be served by its exclusion.

SEC. 4. If Section 2 of this act is held invalid, the remainder of this act shall not be affected, in which event Section 203.1 of the Code of Civil Procedure, as amended by Section 1 of this act, shall be applicable in Alameda County as well as in the other counties of this state.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There are an increasing number of cases pending in most parts of this state. In order to speed the scheduling of cases, it is necessary that there is an adequate number of jurors readily available.

CHAPTER 741

An act to add Section 4011.7 to the Penal Code, relating to hospitalization of prisoners in city and county jails.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 4011.7 is added to the Penal Code, to read:

4011.7. Notwithstanding the provisions of Sections 4011 and 4011.5, when it appears that the prisoner in need of medical or surgical treatment necessitating hospitalization or in need of medical or hospital care was arrested for, charged with, or convicted of an offense constituting a misdemeanor, the court in proceedings under Section 4011 or the sheriff or jailer in action taken under Section 4011.5 may direct that the guard be removed from the prisoner while he is in the hospital. If such direction is given, any such prisoner who knowingly escapes or attempts to escape from such hospital shall upon conviction thereof be guilty of a misdemeanor and punishable by imprisonment for not to exceed one year in the county jail if such escape or attempt to escape was not by force or violence. However, if such escape is by force or violence such prisoner shall be guilty of a felony and punishable by imprisonment in the state prison for not exceeding 10 years or in the county

jail for not exceeding one year; provided, that when such second term of imprisonment is to be served in the county jail it shall commence from the time such prisoner would otherwise be discharged from such jail.

CHAPTER 742

An act to amend Section 27304 of the Vehicle Code, relating to driver training vehicles.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 27304 of the Vehicle Code is amended to read:

27304. All vehicles owned and utilized in driver training by a driver training school licensed under the provisions of Chapter 1 (commencing with Section 11100) of Division 5 or in a course in automobile driver training in any secondary school maintained under Article 6 (commencing with Section 8101) of Chapter 3 of Division 7 of the Education Code shall be equipped with a seatbelt for the driver and each passenger. Such seatbelt shall either comply with regulations adopted pursuant to Section 2402.5 or be of a type approved by the department.

It shall be unlawful for any driver or passenger to operate or ride in such a vehicle while it is being operated for the purposes of driver training, unless such person is utilizing an installed seatbelt in the proper manner.

CHAPTER 743

An act to amend Section 1812.10 of the Civil Code, relating to venue.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 1812.10 of the Civil Code is amended to read:

1812.10. An action on a contract under the provisions of this chapter shall be commenced in the county in which the contract was in fact signed by the buyer, in the county in which the buyer resided at the time the contract was entered into, in the county in which the buyer resides at the commencement of the action, or in the county in which the goods pur-

chased pursuant to such contract have been so affixed to real property as to become a part of such real property.

If within any such county there is a municipal or justice court, having jurisdiction of the subject matter, established in the city and county or judicial district in which the contract was in fact signed by the buyer, or in which the buyer resided at the time the contract was entered into, or in which the buyer resides at the commencement of the action or in which the goods purchased pursuant to such contract have been so affixed to real property as to become a part of such real property, then such court is the proper court for the commencement of such action. Otherwise, any municipal or justice court in such county, having jurisdiction of the subject matter, is the proper court for the commencement thereof.

CHAPTER 744

An act to amend Section 602 of the Code of Civil Procedure, relating to juries.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 602 of the Code of Civil Procedure is amended to read as follows:

602. Challenges for cause may be taken on one or more of the following grounds:

1. A want of any of the qualifications prescribed by this code to render a person competent as a juror.

2. Consanguinity or affinity within the fourth degree to any party or to an officer of a corporation which is a party.

3. Standing in the relation of guardian and ward, master and servant, employer and clerk, or principal and agent, or debtor and creditor, to either party or to an officer of a corporation which is a party, or being a member of the family of either party; or a partner in business with either party; or surety on any bond or obligation for either party, or being the holder of bonds or shares of capital stock of a corporation which is a party; or having stood within one year previous to the filing of the complaint in the action in the relation of attorney and client with either party or with the attorney for either party. A depositor of a bank or a holder of a savings account in a savings and loan association shall not be deemed a creditor of such bank or savings and loan association for the purpose of this subsection solely by reason of his being such a depositor or account holder.

4. Having served as a juror in a civil action or been a witness on a previous trial between the same parties, for the same cause of action; or having served as a juror within one year

previously in any civil action or proceeding in which either party was plaintiff or defendant.

5. Interest on the part of the juror in the event of the action, or in the main question involved in the action, except his interest as a member or citizen or taxpayer of a county, city and county, incorporated city or town, or other political subdivision of a county, or municipal water district.

6. Having an unqualified opinion or belief as to the merits of the action founded upon knowledge of its material facts or of some of them.

7. The existence of a state of mind in the juror evincing enmity against or bias to either party.

8. That he is a party to an action pending in the court for which he is drawn and which action is set for trial before the panel of which he is a member.

CHAPTER 745

An act to add Section 51 to the Kings River Conservation District Act (Chapter 931, Statutes 1951), relating to the Kings River Conservation District.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 51 is added to the Kings River Conservation District Act (Chapter 931, Statutes 1951), to read:

Sec. 51. The district may be dissolved in the manner provided for dissolution of districts by the District Reorganization Act of 1965 and pursuant to the dissolution provisions contained therein. Any resolution of application, adopted under Section 56195 of the Government Code, shall not be effective to initiate proceedings for dissolution of the district and shall not be filed with the local agency formation commission unless it has first been adopted by the legislative bodies of any two affected counties. The district shall be considered a district within the meaning of all such dissolution provisions of the District Reorganization Act of 1965.

CHAPTER 746

An act to add Article 1.5 (commencing with Section 4425) to Chapter 4 of Part 2 of Division 5 of the Health and Safety Code, relating to vessel sanitation.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Article 1.5 (commencing with Section 4425) is added to Chapter 4 of Part 2 of Division 5 of the Health and Safety Code, to read:

Article 1.5. Vessel Sanitation

4425. No person shall maintain or operate in or upon the navigable waters of any lake, reservoir, or fresh water impoundment of this state any vessel which is equipped with a toilet unless such toilet is sealed or otherwise rendered inoperable or designed so that no human excreta can be discharged into such waters.

CHAPTER 747

An act to amend Section 24362.6 of, and to add Article 13.6 (commencing with Section 24369) to Chapter 2.5 of Division 20 of, the Health and Safety Code, relating to air pollution.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 24362.6 of the Health and Safety Code is amended to read:

24362.6. Within 30 days after the control officer has requested a public hearing, the hearing board shall hold such a hearing and give notice of the time and place of such hearing to the person cited, to the control officer and to such other persons as the hearing board deems should be notified, not less than 10 days before the date of the public hearing.

The hearing board need not comply with the 10-day notice requirement of this section, as long as notice is given within a reasonable time, if the hearing board determines that there is a hazard to public health constituting good cause in accordance with the purposes of this chapter for eliminating the 10-day notice requirement.

SEC. 2. Article 13.6 (commencing with Section 24369) is added to Chapter 2.5 of Division 20 of the Health and Safety Code, to read:

Article 13.6. Forfeitures

24369. Any person who uses, operates, leases, or is responsible for the operation or use of any equipment, vessel, or other industrial complex or plant which discharges or emits air contaminants in violation of any provision of this chapter, or of the board's regulation No. 2 as it now exists or may hereafter be amended pursuant to this chapter, shall forfeit an amount not to exceed five hundred dollars ($500) to the district. Each day during any portion of which such violation occurs constitutes a separate offense.

Any forfeitures under this article shall be recoverable in a civil action brought by the district.

Any forfeiture recovered by the district shall be paid to the district treasurer.

24369.1. Upon a finding by the control officer that any violation mentioned in Section 24369 occurred, the control officer may instruct counsel for the board to file a civil action on behalf of the district for the forfeiture of the amount mentioned in Section 24369. Counsel for the board shall notify the hearing board of the filing of such action. The hearing board may upon its own motion hold a hearing, or at the request of the district or of any person charged with such a violation the board shall hold such hearing. If upon such hearing the hearing board finds that there was a violation and such violation was without justifiable cause or excuse and that no variance should be granted, the hearing board shall so order and counsel for the board shall proceed with the prosecution of the civil action. If the hearing board finds that there was no violation or the violation was with justifiable cause or excuse, or that a variance should be granted, counsel for the board shall dismiss said action.

Upon the trial of such action, the court shall determine the amount of the forfeiture, which in no event shall be more than a total of five thousand dollars ($5,000) for all such violations within any 30-day period.

24369.2. When the control officer finds that the person committing the violation mentioned in Section 24369 has remedied the cause of such violation, he may instruct counsel for the board to stipulate to a judgment for a forfeiture less than amounts mentioned in Sections 24369 and 24369.1.

24369.3. To secure a forfeiture under the provisions of this article, the district shall have a lien on the vessel of the defendant used or operated in violation of Section 24369, which may be recovered in an action against the vessel in accordance with the provisions of Chapter 6 (commencing with Section 813) of Title 10 of Part 2 of the Code of Civil Procedure, except that no undertaking shall be required to be filed by the board as a condition to the issuance of a writ of attachment.

CHAPTER 748

An act to amend Sections 5835.5, 5855, and 5856 of the Streets and Highways Code, relating to Improvement Act of 1911, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 5835.5 of the Streets and Highways Code is amended to read:

5835.5. Pursuant to a resolution adopted by its board of supervisors, a county may lend any available county funds to a county maintenance district for the replacement of obsolete equipment, or to defray unusual maintenance costs. Any such loan may be restricted for use in a temporary zone formed under the provisions of Section 5855 in a district. The loan shall bear interest at a rate to be fixed by the board of supervisors, and shall be repaid in approximately equal installments over a period not to exceed 10 years. Any funds lent to the district, or zone, are appropriated for the purposes for which the loan was made. Any area of a district, or of a temporary zone in a district, which is included in a city by annexation or incorporation after a loan has been made shall continue to be taxed for the repayment of its proportionate part of the unpaid balance of the loan.

If a zone is formed to be responsible for the loan, the board of supervisors shall, in the first fiscal year in which a special tax may be levied in said zone, and in each succeeding year of the duration of the zone, levy a special tax upon the taxable property in the zone for the purpose of repaying with interest the amount lent to the district by the county. When the loan has been repaid, the zone shall terminate.

SEC. 2. Section 5855 of the Streets and Highways Code is amended to read:

5855. Where the board of supervisors or legislative body has so declared in its resolution of intention to order the formation of a maintenance district or any annexation thereto, the board of supervisors or legislative body may, in its resolution ordering the formation of a maintenance district or any annexation thereto, order the district divided into tax assessment zones. Tax assessment zones may be formed at a time other than at the formation of the district or any annexation thereto if pursuant to the same procedure of resolution, notice, and hearing as are applicable under this chapter to the annexation of territory.

No district shall be divided into zones unless the board of supervisors or legislative body finds that a tax assessment zone requires special services or special facilities in addition to those provided generally by the maintenance district or the replacement of obsolete equipment, and that the tax levy is commensurate with the special benefits to be provided in the zone. The boundaries of tax assessment zones may be changed or a zone may be dissolved in the same manner that a zone may be formed in an existing district.

SEC. 3. Section 5856 of the Streets and Highways Code is amended to read:

5856. If a maintenance district is divided into zones, the board of supervisors or legislative body may determine what portion of the amount of money to be secured from the levy of taxes shall be secured from each zone within the district.

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:

Maintenance districts, other than those created for street lighting, often have unusual needs for funds that require a loan of more than one year's duration to pay for vitally needed works and in order for such loans to be available, as provided in this act, as soon as possible, it is necessary that this take effect immediately.

CHAPTER 749

An act to amend Section 22651 of the Vehicle Code, relating to impounding of motor vehicles.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 22651 of the Vehicle Code is amended to read:

22651. Any member of the California Highway Patrol or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer of a police department in a city in which a vehicle is located may remove a vehicle from a highway under the following circumstances:

(a) When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tube or tunnel where the vehicle constitutes an obstruction to traffic.

(b) When any vehicle is left standing upon a highway in such a position as to obstruct the normal movement of traffic.

(c) When any vehicle is found upon a highway and report has previously been made that the vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled.

(d) When any vehicle is illegally parked so as to block the entrance to a private driveway and it is impractical to move such vehicle from in front of the driveway to another point on the highway.

(e) When any vehicle is illegally parked so as to prevent access by firefighting equipment to a fire hydrant and it is impracticable to move such vehicle from in front of the fire hydrant to another point on the highway.

(f) When any vehicle, except any highway maintenance or construction equipment, is left unattended for more than four hours upon the right-of-way of any freeway which has full control of access and no crossings at grade.

(g) When the person or persons in charge of a vehicle upon a highway are by reason of physical injuries or illness inca-

pacitated to such an extent as to be unable to provide for its custody or removal.

(h) When an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is by this code or other law required or permitted to take and does take the person arrested before a magistrate without unnecessary delay.

(i) When any vehicle registered in a foreign jurisdiction is found upon a highway and it is known to have been issued five or more notices of parking violation over a period of five or more days, to which the owner or person in control of the vehicle has failed to respond, the vehicle may be impounded until such person furnishes to the impounding police agency evidence of his identity and an address within this state at which he can be located. A notice of a parking violation issued to such vehicle shall be accompanied by a warning that repeated violations may result in the vehicle being impounded.

(j) When any vehicle is found illegally parked and there are no license plates or other evidence of registration displayed the vehicle may be impounded until the owner or person in control of the vehicle furnishes the impounding police agency evidence of his identity and an address within this state at which he can be located.

CHAPTER 750

An act to repeal Section 13143.5 of the Health and Safety Code, relating to fire protection.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 13143.5 of the Health and Safety Code is repealed.

CHAPTER 751

An act to add Section 2327 to the Business and Professions Code, relating to the practice of medicine.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 2327 is added to the Business and Professions Code, to read:

2327. The board shall not reject an application for a reciprocity physicians and surgeons certificate solely on the basis

that the medical licensing authority issuing the applicant's physicians and surgeons certificate permitted the applicant to take the basic science examination given by the National Board of Medical Examiners as a part of that state's qualifying examination.

CHAPTER 752

An act to add Section 583.1 to the Code of Civil Procedure, relating to dismissal of actions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 583.1 is added to the Code of Civil Procedure, to read:

583.1. Notwithstanding Section 583 of the Code of Civil Procedure, an action heretofore or hereafter commenced by any district or agency to adjudicate claims to water in the Santa Ana River system involving two or more counties shall not be dismissed by the court for want of prosecution unless such action is not brought to trial within seven years after the district or agency has filed its action.

This special provision is necessary because of the unique situation existing with respect to the Santa Ana River system, as to which a complex action involving over 2,500 defendants and 1,500 cross-defendants is pending but has not yet gone to trial.

This section shall remain in effect until July 1, 1970, and shall have no force or effect after that date.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

An existing district filed an action in October, 1963, involving complex and intricate legal and engineering determinations preventing such action being brought to trial to date. Under present law the action must be dismissed in five years. In order to permit the further time necessary to properly proceed with this litigation, thereby avoiding needless expenditures of public funds and loss of time and affording a quicker solution to important water supply problems in the area, it is essential that this act go into immediate effect.

CHAPTER 753

An act to amend Section 4014 of the Vehicle Code, relating to registration of vehicles.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 4014 of the Vehicle Code is amended to read:

4014. Any portable or collapsible dolly carried in a tow car or in a truck used by an automobile dismantler and used upon a highway exclusively for towing disabled vehicles is exempt from registration.

CHAPTER 754

An act to amend Section 21350 of the Vehicle Code, relating to placement of traffic signs.

[Approved by Governor July 25, 1968 Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 21350 of the Vehicle Code is amended to read:

21350. The Department of Public Works shall place and maintain, or cause to be placed and maintained, with respect to highways under its jurisdiction, appropriate signs, signals and other traffic control devices as required hereunder, and may place and maintain, or cause to be placed and maintained, such appropriate signs, signals or other traffic control devices as may be authorized hereunder, or as may be necessary properly to indicate and to carry out the provisions of this code, or to warn or guide traffic upon the highways. The Department of Public Works may, with the consent of the local authorities, also place and maintain, or cause to be placed and maintained, along city streets and county roads, appropriate signs as may be necessary or desirable to control or direct traffic to state highways.

CHAPTER 755

An act to amend Sections 31703 and 31808.5 of the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor July 25, 1968 Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 31703 of the Government Code is amended to read:

31703. Any member upon the effective date of his deferred retirement allowance is entitled to receive a retirement allowance as provided in Sections 31673 to 31677, inclusive, or Section 31808.5.

SEC. 2. Section 31808.5 of the Government Code is amended to read:

31808.5. In any county which has safety members as defined in Sections 31470.2 and 31470.4 subject, prior to January 1, 1962, to the provisions of this article, the board of supervisors may adopt the provisions of this section.

The retirement allowance for any safety member subject to this article for service rendered prior to the date of adoption of this article by a county board of supervisors shall be computed in accordance with the provisions of Section 31664. The retirement allowance of any such member, subject to this article, with respect to service performed after the effective date of adoption by the county of this article shall equal the total of the following:

(a) The fraction of one seventy-fifth of the first three hundred fifty dollars ($350) monthly of the member's final compensation set forth in the table provided for in Section 31664 in the column applicable to his age at retirement taken to the preceding completed quarter year multiplied by the number of years of creditable service as provided therein.

(b) The fraction of one-fiftieth of any remaining portion of the member's final compensation set forth in the table appearing in Section 31664 in the column applicable to his age at retirement taken to the preceding quarter year multiplied by the number of years of creditable service.

The retirement allowance for any safety member who is not subject to this article shall be computed in accordance with the provisions of Section 31664.

Any member who becomes a safety member after the adoption date of this section shall be subject to the provisions of this article.

This section shall not apply to any safety member who is a member on date of adoption of this section unless within 60 days thereafter he files with the board a signed written statement expressing his desire to have the section apply to him.

Any member subject to the provisions of this section may elect deferred retirement pursuant to Article 9 (commencing with Section 31700) of this chapter.

CHAPTER 756

An act to amend Section 11525.2 of the Business and Professions Code, relating to subdivisions.

[Approved by Governor July 25, 1968 Filed with Secretary of State July 25, 1968]

The people of the State of California do enact as follows:

SECTION 1. Section 11525.2 of the Business and Professions Code is amended to read:

11525.2. Whether by request of a county board of education or otherwise, a city or county may adopt an ordinance requiring any subdivider who within three years, or less, as prescribed by the ordinance, develops or completes the development of one or more subdivisions, comprised of a single parcel or contiguous parcels having more than 400 dwelling units within a single school district, which maintains an elementary school, to dedicate to the school district, within which such subdivisions are to be located, such land as the local governing body shall deem to be necessary for the purpose of constructing thereon schools necessary to assure the residents of the subdivision adequate elementary school service. Whether by request of a county board of education or otherwise a county with a population of less than 30,000 may adopt an ordinance requiring any subdivider who within three years, or less, as prescribed by the ordinance, develops or completes the development of one or more subdivisions, comprised of a single parcel or contiguous parcels having more than 200 dwelling units within a single school district, which maintains an elementary school, to dedicate to the school district, within which such subdivisions are to be located, such land as the local governing body shall deem to be necessary for the purpose of constructing thereon schools necessary to assure the residents of the subdivision adequate elementary school service.

An ordinance adopted pursuant to this section shall not be applicable to a subdivider who has owned the land being subdivided for more than 10 years prior to the filing of the tentative maps in accordance with Article 4 (commencing with Section 11550) of this chapter. The requirement of dedication shall automatically terminate unless the school district offers to enter into a binding commitment with the subdivider to accept the dedication within 30 days after the requirement is imposed by the city or county. The required dedication may be made at any time prior to the construction of the 401st dwelling unit. The school district shall, in the event that it accepts the dedication, repay to the subdivider or his successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

(a) The cost of any improvements to the dedicated land since acquisition by the subdivider.

(b) The taxes assessed against the dedicated land from the date demand for dedication is made.

(c) Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

If the land is not used by the school district, as a school site, within 10 years after dedication, the subdivider shall have the option to repurchase the property from the district for the amount paid therefor.

The school district to which the property is dedicated shall record a certificate with the county recorder in the county in which the property is located. The certificate shall contain the following information:

1. The name and address of the subdivider dedicating the property.

2. A legal description of the real property dedicated.

3. A statement that the subdivider dedicating the property has an option to repurchase the property if it is not used by the school district as a school site within 10 years after dedication.

4. Proof of the acceptance of the dedication by the school district and the date of the acceptance. The certificate shall be recorded not more than 10 days after the date of acceptance of the dedication. The subdivider shall have the right to compel the school district to record such certificate, but until such certificate is recorded, any rights acquired by any third party dealing in good faith with the school district shall not be impaired or otherwise affected by the option right of the subdivider.

"Dwelling unit" as used in this section means a place of residence and may be located in either a single or multiple dwelling unit building.

If any subdivider is aggrieved by, or fails to agree to the reasonableness of any requirement imposed pursuant to this section, he may bring a special proceeding in the superior court pursuant to Section 11525.

CHAPTER 757

An act to amend Sections 2924 and 2925 of, and to repeal Sections 35, 155.1, 155.2, 155.3, 155.4, 155.5, 155.7, 155.9, 254.7, 262.5, 263, 265, 268.5, 268.7, 268.8, 269, 271, 273, 409, 1101, 1102, 1103, and 1104 of the Revenue and Taxation Code; and to repeal Sections 43005, 43005.3, 43005.5, 43006, 43008, 43009, 43010, and 43011 of the Government Code, relating to property taxation.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 35 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 155.1 of the Revenue and Taxation Code is repealed.

SEC. 3. Section 155.2 of the Revenue and Taxation Code is repealed.

SEC. 4. Section 155.3 of the Revenue and Taxation Code is repealed.

SEC. 5. Section 155.4 of the Revenue and Taxation Code is repealed.

SEC. 6. Section 155.5 of the Revenue and Taxation Code is repealed.

SEC. 7. Section 155.7 of the Revenue and Taxation Code is repealed.

SEC. 8. Section 155.9 of the Revenue and Taxation Code is repealed.

SEC. 8.1. Section 254.7 of the Revenue and Taxation Code is repealed.

SEC. 9. Section 262.5 of the Revenue and Taxation Code is repealed.

SEC. 10. Section 263 of the Revenue and Taxation Code is repealed.

SEC. 11. Section 265 of the Revenue and Taxation Code is repealed.

SEC. 12. Section 268.5 of the Revenue and Taxation Code is repealed.

SEC. 13. Section 268.7 of the Revenue and Taxation Code is repealed.

SEC. 14. Section 268.8 of the Revenue and Taxation Code is repealed.

SEC. 15. Section 269 of the Revenue and Taxation Code is repealed.

SEC. 16. Section 271 of the Revenue and Taxation Code is repealed.

SEC. 17. Section 273 of the Revenue and Taxation Code is repealed.

SEC. 18. Section 409 of the Revenue and Taxation Code is repealed.

SEC. 19. Section 1101 of the Revenue and Taxation Code is repealed.

SEC. 20. Section 1102 of the Revenue and Taxation Code is repealed.

SEC. 21. Section 1103 of the Revenue and Taxation Code is repealed.

SEC. 22. Section 1104 of the Revenue and Taxation Code is repealed.

SEC. 23. Section 2924 of the Revenue and Taxation Code is amended to read:

2924. The application for a discharge shall include:

(a) A statement of the nature and amount of the taxes.

(b) The names of the persons liable.

(c) The estimated cost of collection.

(d) Any other fact warranting the discharge, except where the board of supervisors determines that the circumstances do not warrant the furnishing of detailed information.

SEC. 24. Section 2925 of the Revenue and Taxation Code is amended to read:

2925. The board of supervisors shall make an order discharging the applicant from further accountability for the collection of the taxes specified in the application, and authorizing the applicant to close his books in regard to such items, if it is satisfied that:

(a) The matters contained in the application are true.

(b) The amounts are such as not to justify the cost of collection or collection enforcement is impracticable.

SEC. 25. Section 43005 of the Government Code is repealed.

SEC. 26. Section 43005.3 of the Government Code is repealed.

SEC. 27. Section 43005.5 of the Government Code is repealed.

SEC. 28. Section 43006 of the Government Code is repealed.

SEC. 29. Section 43008 of the Government Code is repealed.

SEC. 30. Section 43009 of the Government Code is repealed.

SEC. 31. Section 43010 of the Government Code is repealed.

SEC. 32. Section 43011 of the Government Code is repealed.

SEC. 33. Notwithstanding the provisions of this act, no person shall be deprived of his right to relief under any of the sections contained herein by virtue of their repeal by this act.

CHAPTER 758

An act to amend Section 139.5 of the Civil Code, relating to county fees and charges.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 139.5 of the Civil Code is amended to read:

139.5. In any divorce action the court may direct that payments for support of children be made to the probation officer or county clerk or any other county officer the court designates. The court shall include in its order any service charge imposed under the authority of Section 580.5 of the Welfare and Institutions Code. The district attorney may appear or be directed by the court to appear, on behalf of the children, in any proceedings to enforce such order. Expenses of the probation officer, county clerk or other county officer designated by the court, and district attorney incurred in enforcement

of such order, and any fees for service of process in enforcement of such order, shall be a charge on the county.

In order to defray expenses incurred by the district attorney in the enforcement of a child support order, when a district attorney undertakes to enforce a child support order under this section, the court may, by motion on notice or by order to show cause, order the party obligated to make support payments to pay to the county an additional amount as reasonable attorney fees, not to exceed 5 percent of the payments collected as a result of the enforcement, and such sum shall be deposited in the county general fund.

The provision of this section for the payment of attorney fees to defray expenses incurred by the district attorney in the enforcement of a child support order shall not be applicable in any county unless the board of supervisors thereof has voted to have it apply.

CHAPTER 759

An act to amend Sections 1604.1 and 1607 of the Revenue and Taxation Code, relating to property assessments.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 1604.1 of the Revenue and Taxation Code is amended to read:

1604.1. An assessment made outside of the regular assessment period is not effective for any purpose, including its review, equalization and adjustment by the Board of Equalization, until the assessee has been notified thereof personally or by United States mail at his address as contained in the official records of the county assessor. Receipt by the assessee of a tax bill based on said assessment shall suffice as such notice.

Upon application for reduction pursuant to Section 1607 (a) of this code, such assessment shall be subject to review, equalization and adjustment by the county board of equalization.

SEC. 2. Section 1607 of the Revenue and Taxation Code is amended to read:

1607. (a) A reduction in an assessment on the local roll shall not be made unless the party affected or his agent makes and files with the county board a verified, written application showing the facts claimed to require the reduction and the applicant's opinion of the full cash value of the property.

(b) Except as provided in Section 1760, the application shall be filed between July 2 and August 26.

CHAPTER 760

An act to amend Section 1622.5 of the Revenue and Taxation Code, relating to assessment appeals boards.

[Approved by Governor July 25, 1968 Filed with Secretary of State July 25, 1968]

The people of the State of California do enact as follows:

SECTION 1. Section 1622.5 of the Revenue and Taxation Code is amended to read:

1622.5. In any county in which two or more boards have been created and are functioning:

(a) The clerk of the assessment appeals boards may assign a member from one board to serve temporarily as a member of another board during the temporary absence of the regular member of such other board, and

(b) The board of supervisors may appoint an alternate member for each board. Whenever any regular member of a board is temporarily unable to act as a member of the board, the alternate member may sit on the board and shall have the same authority to act as a regular member. Where such alternate member is likewise temporarily unable to act the clerk may assign the alternate member of any other board to act as a member of the board and such alternate member may sit on the board and shall have the same authority to act as a regular member.

In any county in which one board has been created and is functioning the board of supervisors may appoint an alternate member for the board. Whenever any regular member of the board is temporarily unable to act as a member of the board, the alternate member may sit on the board and shall have the same authority to act as a regular member.

CHAPTER 761

An act to amend Section 465 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 25, 1968 Filed with Secretary of State July 25, 1968]

The people of the State of California do enact as follows:

SECTION 1. Section 465 of the Revenue and Taxation Code is amended to read:

465. The assessor may destroy any document containing information obtained from taxpayers when seven years have elapsed since the lien date for the taxes for which such information was obtained, provided, however, that such documents may be destroyed when three years have elapsed since such lien date when such documents have been microfilmed.

CHAPTER 762

An act to amend Section 69613 of the Government Code, relating to courts.

[Approved by Governor July 25, 1968 Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 69613 of the Government Code is amended to read:

69613. In the County of San Luis Obispo there shall be three judges of the superior court.

CHAPTER 763

An act to amend Section 69593 of the Government Code, relating to judges.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968]

The people of the State of California do enact as follows:

SECTION 1. Section 69593 of the Government Code is amended to read:

69593. In the County of Sacramento there shall be 15 judges of the superior court.

CHAPTER 764

An act to amend Sections 39051, 39052, 39054, and 39065 of, to add Sections 39009.3, 39052.5, and 39052.6 to, and to repeal and add Chapter 4 (commencing with Section 39080) of Part 1, Division 26 of, the Health and Safety Code, to add Section 14808.1 to the Government Code, to amend Sections 2814, 4000, 4000.1, 4750, 24007, 28500, 28502, 28506, and 28508 of, and to add Section 27153.5 to, the Vehicle Code, and to amend Sections 12300, 12302, and 12303 of the Vehicle Code, as added by Assembly Bill No. 1320 of the 1968 Regular Session, relating to air pollution.

[Approved by Governor July 25, 1968 Filed with Secretary of State July 25, 1968]

The people of the State of California do enact as follows:

SECTION 1. Section 39009.3 is added to the Health and Safety Code, to read:

39009.3. As used in this part and in Section 14808.1 of the Government Code, the low emission standard is an emis-

sion standard more stringent than the approval test standard. In establishing the low emission standard the board shall attempt to insure that no more than 50 percent of the new motor vehicles sold and registered in California that year would be able to comply with the low emission standard.

SEC. 1.5. Section 39051 of the Health and Safety Code is amended to read:

39051. The board shall after holding public hearings:

(a) Divide the state into basins to fulfill the purposes of this division not later than January 1, 1969.

(b) Adopt standards of ambient air quality for each basin in consideration of the public health, safety and welfare, including but not limited to health, illness, irritation to the senses, aesthetic value, interference with visibility, and effects on the economy. These standards may vary from one basin to another. Standards relating to health effects shall be based upon the recommendations of the State Department of Public Health.

(c) Adopt rules and regulations in accordance with the provisions of the Administrative Procedure Act (commencing with Section 11370 of the Government Code) necessary for the proper execution of the powers and duties granted to, and imposed upon, the board by this division.

(d) Adopt emission standards for all nonvehicular air pollution sources for application for each basin as found necessary as provided in Section 39054.

SEC. 2. Section 39052 of the Health and Safety Code is amended to read:

39052. The board shall:

(a) Conduct studies and evaluate the effects of air pollution upon human, plant, and animal life and the factors responsible for air pollution. The board may call upon the Department of Public Health, Department of Agriculture, the University of California, and such other state agencies it may deem necessary.

(b) Encourage a cooperative state effort in combating air pollution.

(c) Inventory sources of air pollution within the basins of the state and determine the kinds and quantity of air pollutants. The board shall use, to the fullest extent, the data of local agencies in fulfilling this purpose.

(d) Monitor air pollutants in cooperation with other agencies to fulfill the purpose of this division.

(e) Coordinate and collect research data on air pollution.

(f) Review rules and regulations of local or regional authorities filed with it pursuant to Sections 39314 and 39461 to assure that reasonable provision is made to control emissions from nonvehicular sources and to achieve the air quality standards established by the board.

(g) Adopt formal procedures, after consultation with the Department of Motor Vehicles, for making timely and decisive mutual agreements on vehicle air pollution matters with

which both agencies are concerned, and submit a copy of these procedures to the Legislature by January 1, 1969.

(h) Adopt formal procedures, after consultation with the Department of Public Health, for the performance of services required by the board and for evaluating and resolving air pollution matters with which both agencies are concerned, and submit a copy of these procedures to the Legislature by January 1, 1969.

(i) Adopt formal procedures, after consultation with the Department of the California Highway Patrol, for making timely and decisive mutual agreements on vehicle air pollution matters with which both agencies are concerned, and submit a copy of these procedures to the Legislature by January 1, 1969.

(j) Publish annually a report of the results of the tests administered pursuant to subdivision (k) of this section, which shall include all of the following:

(1) The total number of motor vehicles tested.

(2) The total number of each engine and transmission combination tested.

(3) The average emissions of all motor vehicles tested.

(4) The average emissions of each engine and transmission combination tested.

(5) An analysis of the emissions of each engine and transmission combination tested.

(k) Adopt test procedures as soon as possible, but in no event later than 45 days after the effective date of the amendments to this section enacted by the Legislature at the 1968 Regular Session, specifying the manner in which new motor vehicles shall be approved based upon the emission standards contained in Article 2 (commencing with Section 39100) of Chapter 4 of this part. The board shall base its test procedures on driving patterns typical in the urban areas of California, and shall weight approval standards appropriately to reflect normal engine deposit accumulation. The board shall administer the test for new motor vehicles in accordance with such procedures.

(*l*) Adopt regulations specifying the manner in which used motor vehicles shall be accredited based upon their emissions. These regulations are to be submitted to the Legislature by January 1, 1969.

(m) Adopt regulations specifying the manner in which motor vehicles on factory assembly lines are to be emission tested. Such tests shall take into consideration the recommendations of the Technical Advisory Panel to the Assembly Transportation and Commerce Committee as set forth in its report of April 14, 1968. Board regulations shall require manufacturers to submit copies of their test procedures and the test results to the board. These regulations are to be submitted to the Legislature by March 31, 1969.

(n) Adopt exhaust emission standards for hydrocarbons, carbon monoxide, and oxides of nitrogen for new diesel-pow-

ered vehicles, and diesel engines for vehicles first sold and registered in this state, no later than January 1, 1971.

(o) Adopt emission standards for motor vehicles which shall be applicable only to motor vehicles for which emission standards have not been specified in Article 2 (commencing with Section 39100) of Chapter 4 of this part.

(p) Adopt low emission standards for the purpose of carrying out Section 14808.1 of the Government Code and Section 6377 of the Revenue and Taxation Code for each model year motor vehicle beginning in 1970.

SEC. 3. Section 39052.5 is added to the Health and Safety Code, to read:

39052.5. The board may adopt motor vehicle emission standards more stringent than those specified in Article 2 (commencing with Section 39100) of Chapter 4 of this part, which the board has found to be necessary and technologically feasible to carry out the purposes of this part.

SEC. 4. Section 39052.6 is added to the Health and Safety Code, to read:

39052.6. The board may adopt and implement motor vehicle emission standards for the control of other contaminants and sources of air pollution which are not included within Article 2 (commencing with Section 39100) of Chapter 4 of this part, which the board has found to be necessary and technologically feasible to carry out the purposes of this part.

SEC. 5. Section 39054 of the Health and Safety Code is amended to read:

39054. If the board finds after investigation and testing that its ambient air quality standards are not being complied with within a basin or that any local or regional authority has not taken reasonable action to control emissions from nonvehicular sources, it may request a report from such local or regional authority as to the action taken to control the sources responsible. If the board's investigation and testing reveals that its standards are not being complied with, or the local or regional standards are not being complied with or are inadequate, and that the report of the local or regional authority is unsatisfactory, the board may hold public hearings. If the board after holding public hearings, is still unsatisfied it may issue a statement of findings, and may direct the local or regional authority, to take further reasonable action. If any local or regional authority does not comply with the directive of the board within 30 days after the date of the directive, the board shall enforce the standards and the rules and regulations adopted by the board pursuant to this part within the area under the jurisdiction of such local or regional authority until such time as the directive is withdrawn by the board or the local or regional authority complies with the directive. The board may take any other appropriate legal action to carry out its responsibilities in such area. The board shall also have the authority, if such area is within any air pollution control district which is functioning and exercising its powers, to take

any action which the district may take. If such area is not within an air pollution control district which is functioning and exercising its powers, the board shall also have the authority to take any action which Chapter 2 (commencing with Section 24198) of Division 20 authorizes a district which is functioning and exercising its powers under that chapter to take. Every person who violates any standard, rule or regulation adopted by the board pursuant to this part in any area in which such standards, rules, and regulations are being enforced by the board is guilty of a misdemeanor. Every day during any portion of which such violation occurs constitutes a separate offense.

SEC. 6. Section 39065 of the Health and Safety Code is amended to read:

39065. All present standards and rules and regulations for the purposes of air pollution control established by the State Department of Public Health and the Motor Vehicle Pollution Control Board shall remain in effect until the State Air Resources Board incorporates them into its rules and regulations or standards or adopts rules and regulations or standards.

SEC. 7. Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code is repealed.

SEC. 8. Chapter 4 (commencing with Section 39080) is added to Part 1 of Division 26 of the Health and Safety Code to read:

CHAPTER 4. MOTOR VEHICLE POLLUTION CONTROL

Article 1. Application and Definitions

39080. This chapter may be cited as the "Pure Air Act of 1968."

39081. The Legislature finds and declares:

(a) That the emission of pollutants from motor vehicles is the primary cause of air pollution in many portions of the state.

(b) That the control and elimination of such pollutants is of prime importance for the protection and preservation of the public health and well-being, and for the prevention of irritation to the senses, interference with visibility, and damage to vegetation and property.

(c) That the state has a responsibility to establish uniform procedures for compliance with standards which control or eliminate such pollutants.

(d) That the California goal for pure air quality is the achievement of an atmosphere with no significant detectable adverse effect from motor vehicle air pollution on health, welfare and the quality of life and property by 1975.

(e) That vehicle emission standards applied to new motor vehicles and to used motor vehicles equipped with emission control devices are standards with which all such vehicles shall

comply subject to the approval, accreditation, and certification provisions of this part.

39082. The provisions of this chapter shall not apply to any racing vehicle, as defined in Section 39090.5.

39083. The provisions of this chapter shall not apply to any limited production motor vehicle, as defined in Section 39090.

39083.5. The provisions of this chapter shall not apply to any motorcycle as defined in Section 39084.

39084. As used in this chapter the following terms shall be construed as defined in the Vehicle Code:

(a) Commercial vehicle
(b) Implement of husbandry
(c) Motor vehicle
(d) Motorcycle
(e) Used vehicle
(f) Passenger vehicle
(g) New vehicle
(h) Truck
(i) Truck tractor
(j) Bus

39085. As used in this chapter, "approval" means the findings of the board that the device for new vehicles has satisfied the tests and procedures established by the board to determine whether the various makes and models of new motor vehicles for each model year may be sold and registered in this state. Approval shall be determined on the basis of motor vehicle emissions and such other related factors as the board may in regulations indicate.

39086. As used in this chapter, "crankcase emissions" means substances emitted directly to the atmosphere from any opening leading to the crankcase of a motor vehicle engine. Crankcase gases which are conducted to the engine intake or exhaust systems are not included in the definition of crankcase emissions, but are defined as exhaust emissions.

39087. As used in this chapter, "exhaust emissions" means substances emitted to the atmosphere from any opening downstream from the exhaust port of a motor vehicle engine.

39088. As used in this chapter, "fuel evaporative loss emissions" means vaporized fuel emitted into the atmosphere from the fuel system of a motor vehicle.

39089. As used in this chapter, "fuel system" means the combination of fuel tank, fuel lines and carburetor, or fuel injector, and includes all vents and fuel evaporative emission control systems or devices.

39090. As used in this chapter, "limited production vehicle" means a make of motor vehicle manufactured in quantities of less than 2,000 units for any given model year.

39090.5. As used in this chapter, "racing vehicle" means a competition vehicle not used on public roads or highways.

39091. As used in this chapter, "model year" means the time of actual manufacture either (1) within the annual pro-

duction period of such vehicles as designated by the calendar year in which such period ends, or (2) if the manufacturer does not so designate the annual production period of such vehicles manufactured by him, within the 12-month period beginning November 1 of the preceding year. In the case of any vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis.

39092. As used in this chapter, "accreditation" means a finding by the board, pursuant to the procedures established in Article 5 (commencing with Section 39175) of this chapter, that a used motor vehicle emission control device has satisfied the tests and procedures established by the board pursuant to Sections 39107 and 39108.

39093. As used in this chapter, "motor vehicle pollution control device" means equipment designed for installation on a motor vehicle for the purpose of reducing the pollutants emitted from the vehicle, or a system or engine modification on a motor vehicle which causes a reduction of pollutants emitted from the vehicle.

39094. As used in this chapter, "certified device" means a motor vehicle pollution control device required to be installed on various motor vehicles under regulations adopted by the former Motor Vehicle Pollution Control Board prior to November 8, 1967, or under regulations adopted by the board prior to the effective date of the applicable standards provided in this part.

39095. As used in this chapter other than in Section 39094, "Motor Vehicle Pollution Control Board" means, and is applicable to, the board.

39096. As used in this chapter, the terms hydrocarbons, carbon monoxide, and oxides of nitrogen, shall be construed as defined in the regulations of the board, such definitions to be developed in accordance with the purpose of this chapter.

Article 2. Motor Vehicle Emission Standards

39100. Approval of new motor vehicles for sale and registration and accreditation of devices for used motor vehicles shall be contingent upon compliance with the standards established in this part or pursuant thereto, under the test procedures established by the board pursuant to Section 39052. Motor vehicles which do not so comply with the applicable standards shall not be sold and registered in California.

39100.1. Every manufacturer of motor vehicles sold in the State of California during the calendar year 1968 shall file with the board, not later than 60 days after the effective date of this section, a report describing such manufacturer's research and development activities, including test data, during the preceding 12 months relating to the control of oxides of nitrogen emitted from its vehicles. Where proprietary or competitive requirements necessitate, such reports shall refer to

vehicles, technical innovations, and devices by code name or number. Additional progress reports shall be filed with the board by such manufacturers at three-month intervals from 60 days after the effective date of this section until July 1, 1970. Failure to submit such reports shall be considered as constituting failure of compliance under Section 39154.

39100.5. The standards in this article have been found to be technologically feasible and capable of implementation with reasonable economic cost by a technical advisory panel of nine California engineers, scientists, and air pollution experts.

39101. The exhaust emissions from a new 1970 model year gasoline-powered motor vehicle under 6,001 pounds, manufacturer's maximum gross vehicle weight rating having an engine displacement of 50 cubic inches or greater, subject to registration and first sold and registered in this state, shall not exceed:

(a) 2.2 grams per mile hydrocarbons.

(b) 23 grams per mile carbon monoxide.

39101.5. The exhaust emissions from a new 1971 model year gasoline-powered motor vehicle under 6,001 pounds, manufacturer's maximum gross vehicle weight rating having an engine displacement of 50 cubic inches or greater, subject to registration and first sold and registered in this state, shall not exceed:

(a) 2.2 grams per mile hydrocarbons.

(b) 23 grams per mile carbon monoxide.

(c) 4.0 grams per mile oxides of nitrogen.

39102. The exhaust emissions from a new 1972 or later model year gasoline-powered motor vehicle under 6,001 pounds, manufacturer's maximum gross vehicle weight rating having an engine displacement of 50 cubic inches or greater, subject to registration and first sold and registered in this state, shall not exceed:

(a) 1.5 grams per mile hydrocarbons.

(b) 23 grams per mile carbon monoxide.

(c) 3.0 grams per mile oxides of nitrogen.

39102.5. Notwithstanding the provisions of subdivision (c) of Section 39102, the oxides of nitrogen exhaust emissions from a new 1974 or later model year gasoline-powered motor vehicles under 6,001 pounds, manufacturer's maximum gross vehicle weight rating having an engine displacement of 50 cubic inches or greater, subject to registration and first sold and registered in this state, shall not exceed 1.3 grams per mile oxides of nitrogen.

39104. The exhaust emissions from a new 1970 or 1971 model year gasoline-powered truck, truck tractor or bus, except those which are diesel-powered, over 6,001 pounds, manufacturer's maximum gross vehicle weight rating, subject to registration and first sold and registered in this state, shall not exceed:

(a) 275 parts per million hydrocarbons.

(b) 1.5 percent carbon monoxide.

39105. The exhaust emissions from a new 1972 or later model year gasoline-powered truck, truck tractor or bus, except those which are diesel-powered, over 6,001 pounds, manufacturer's maximum gross vehicle weight rating, subject to registration and first sold and registered in this state, shall not exceed:

(a) 180 parts per million hydrocarbons.

(b) 1.0 percent carbon monoxide.

39106. Fuel evaporative losses from the fuel system in a 1970 or later model year gasoline-powered motor vehicle having an engine displacement of 50 cubic inches or greater, under 6,001 pounds, manufacturer's maximum gross vehicle weight rating, subject to registration and first sold and registered in this state, shall not exceed six grams hydrocarbons per test.

39107. In order for an exhaust emission device to be accredited by the board pursuant to Article 5 (commencing with Section 39175) of this chapter it shall not allow emissions exceeding any of the following:

(a) 275 parts per million hydrocarbons.

(b) 1.5 percent carbon monoxide.

39108. In order for an evaporative loss device to be accredited by the board pursuant to Article 5 (commencing with Section 39175) of this chapter, it shall not allow fuel system evaporative loss greater than six grams hydrocarbons per test.

39109. Exhaust emission standards for hydrocarbons, carbon monoxide and oxides of nitrogen for new diesel-powered vehicles first sold and registered in this state as established by the board pursuant to subdivision (n) of Section 39052, shall apply to all such vehicles at such time as the board determines it is technologically feasible, but no later than January 1, 1973.

Article 3. Previously Certified Devices

39125. All motor vehicles previously required to have certified pollution control devices pursuant to the provisions of Chapter 1545, Statutes of 1967, shall be required to continue to have such devices, unless otherwise specifically exempted by this chapter.

39126. The board may exempt classifications of motor vehicles subject to this article for which certified devices are not available and motor vehicles whose emissions are found by appropriate tests to meet state standards without additional equipment, and motor-driven cycles, implements of husbandry, and vehicles which qualify for special license plates under Section 5004 of the Vehicle Code.

39127. The board may revoke, suspend, or restrict a certificate of a previously certified device or an exemption previously granted upon a determination by the board that the device no longer operates within the standards set by the board or no longer should be exempted. Provided that once any motor ve-

hicle is equipped with a certified device it shall not thereafter be deemed in violation of this chapter or of Section 27156 of the Vehicle Code, because the certification of such device is subsequently revoked, suspended or restricted, and replacement parts for such device may continue to be supplied and used for such vehicle, unless such revocation, suspension or restriction is based upon a finding that the certified device has been found to be unsafe in actual use or is otherwise mechanically defective, in which event such devices shall be brought into compliance with this chapter within 30 days after such finding.

39128. Proceedings under this chapter with respect to the granting of exemptions, or for the revocation, suspension or restriction of certificates previously issued, or exemptions previously granted, by the board, shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and the board shall have all the powers granted therein.

39129. The following classifications of motor vehicles are subject to the provisions of this article:

(a) Every 1966 or later year model motor vehicle subject to registration in this state shall be equipped with a certified device or devices to control emission of pollutants from the crankcase and exhaust.

(b) Every motor vehicle of 1963 or later year model, subject to registration in this state shall be equipped with a certified device to control the emission of pollutants from the crankcase.

(c) Every motor vehicle of 1955 through 1962 year model subject to registration in this state upon transfer of ownership and registration to an owner whose residence is in a county or portion of a county within an air pollution control district which may function and exercise its powers shall be equipped with a certified device to control the emission of pollutants from the crankcase.

(d) Every motor vehicle of 1955 through 1965 year model subject to registration in this state upon transfer of ownership and registration to an owner whose residence is in a county or portion of a county within an air pollution control district which may function and exercise its powers, shall be equipped with a certified device to control the emission of pollutants from the exhaust.

(e) The provisions of subdivisions (a), (b), (c), and (d) of this section shall not be applicable to any of the following vehicles:

(1) Any motor vehicle or class of motor vehicles exempted by the board.

(2) Any motor-driven cycle, implement of husbandry or vehicle which qualifies for special plates under Section 5004 of the Vehicle Code.

(f) The provisions of subdivisions (c) and (d) shall not be applicable in any district activated after July 1, 1959, so as to

be able to perform its functions unless the board of supervisors of each county in which the district is situated adopts a resolution based upon its finding that subdivisions (c) and (d) are necessary to the preservation of air quality within that district; nor shall the provisions of subdivisions (c) and (d) be applicable in any county situated within a multicounty district formed prior to July 1, 1959, which county is adjacent to a district activated prior to January 1, 1960, unless the board of supervisors in such county adopts a resolution based upon its finding that subdivisions (c) and (d) are necessary to the preservation of air quality within that county.

(g) Every 1968 year model passenger vehicle, except motorcycles, subject to registration and first sold and registered in this state shall be equipped with a certified device or devices to control emission of pollutants from the crankcase and exhaust. Notwithstanding any other provision of this section or of Article 5 (commencing with Section 39175) of this chapter, the board may only grant an exemption for not to exceed 1 percent of a manufacturer's passenger vehicle sales in California in the preceding model year.

(h) Every 1967 year model commercial motor vehicle under 6,001 pounds manufacturer's maximum gross vehicle weight rating subject to registration and first sold and registered in this state shall be equipped with a certified device or devices to control emission of pollutants from the crankcase and exhaust.

(i) The provisions of subdivisions (c) and (d) of this section shall not be applicable to motor vehicles registered to an owner whose residence is in an area, designated pursuant to this subdivision, of any county having an area in excess of 7,000 square miles in which an air pollution control district consisting of a single county may function and exercise its powers and within 60 days after the effective date of this section the board of supervisors of such county has classified the county into two areas because of substantial geographic and climatic differences between the two areas, and within 60 days after the effective date of this section the board of supervisors of the county has found that within one of such areas, designated by the board, the equipment of motor vehicles with devices to control the emission of pollutants is unnecessary for the preservation of air quality within that area.

(j) Notwithstanding any provision of subdivision (f), if after the effective date of this section subdivisions (c) and (d) are made applicable to a district or county in which subdivisions (c) and (d) are inapplicable under subdivision (f) on such effective date, subdivisions (c) and (d) shall not be applicable to any other district or county unless its governing board adopts a resolution based upon its finding that subdivisions (c) and (d) are necessary to the preservation of air quality in such other district or county, as the case may be.

39130. No person shall sell, display, advertise, or represent as a certified device any device which, in fact, is not a certified device. No person shall install or sell for installation upon anv motor vehicle, any motor vehicle pollution control device which has not been certified by the board.

39131. Any manufacturer of a device required by this article shall, as a condition of certification of such device by the board, agree that so long as only one such device is certified by the board such manufacturer shall either: (1) agree to enter into such cross-licensing or other agreements as the board determines are necessary to insure adequate competition among manufacturers of such devices to protect the public interest; or (2) agree as a condition to such certification that if only one such device from one manufacturer is made available for sale to the public, the board shall, taking into consideration the cost of manufacturing the device and the manufacturer's suggested retail price, and in order to protect the public interest, determine the fair and reasonable retail price of such device and may require, as a condition to continued certification of such device, that the retail price of such device, including installation, not exceed such price as determined by the board. In either event the retail price so determined by the board for a device required by subdivision (d) of Section 39129 or Section 39176 shall not be in excess of sixty-five dollars ($65) per vehicle.

Article 4. New Motor Vehicle Approval

39150. The board shall have the powers and authority necessary to carry out the duties imposed on it by this article including, but not limited to, the following:

(a) To adopt rules and regulations in accordance with the provisions of the Administrative Procedure Act (commencing with Section 11370) of the Government Code, necessary for proper execution of the powers and duties granted to, and imposed upon, the board by this article.

(b) To employ such technical and other personnel as may be necessary for the performance of its powers and duties.

39151. No new motor vehicle required pursuant to this part to meet the emission standards in Article 2 (commencing with Section 39100) of this chapter or the standards set pursuant to Sections 39052.5 or 39052.6 shall be sold and registered in this state unless the engine and transmission combination used in that vehicle has been approved by the board.

Vehicle manufacturers shall test engine and transmission combinations in vehicles which are representative of the types of vehicles in which that engine and transmission combination is used.

39154. No new motor vehicle required pursuant to this part to meet the emission standards in Article 2 (commencing with Section 39100) of this chapter shall be sold and registered in this state if the vehicle manufacturer has in the previous year for which the board approved his vehicles failed

to comply with the standards established in this part or with such regulations as the board may establish, unless the manufacturer thereof complies with such other conditions as the board may by regulation indicate.

The procedures for determining, and the facts constituting, compliance and failure of compliance shall be established by the board pursuant to subdivision (c) of Section 39051.

Article 5. Used Motor Vehicle Device Accreditation

39175. The board shall have the powers and authority necessary to carry out the duties imposed on it by this article including, but not limited to, the following:

(a) To adopt rules and regulations in accordance with the provisions of the Administrative Procedure Act (commencing with Section 11370) of the Government Code, necessary for proper execution of the powers and duties granted to, and imposed upon the board by this article.

(b) To employ such technical and other personnel as may be necessary for the performance of its powers and duties.

(c) To determine and publish by January 1, 1969, tests and procedures for the accreditation of used car exhaust emission control and fuel system evaporative loss control devices.

(d) To accredit motor vehicle pollution control devices following tests by the board or by a board-designated laboratory in which the board finds that the device operates within the standards set in Article 2 (commencing with Section 39100) of this chapter or that the device effectively controls harmful pollutants not specifically mentioned in Article 2 (commencing with Section 39100) of this chapter, or that the device effectively controls emissions from a part of the vehicle not specifically mentioned in Article 2 (commencing with Section 39100) of this chapter. Any device accredited shall be technologically feasible.

39176. Whenever an exhaust emission control device is accredited pursuant to the provisions of this article and is available for installation as determined by the board, every 1955 through 1965 year model vehicle shall be equipped with an accredited device to control the emission of pollutants from the exhaust in accordance with the requirements, exemptions and schedule of installation provided in Article 3 (commencing with Section 39125) of this chapter.

39177. The board may exempt classifications of motor vehicles for which accredited devices are not available, and motor vehicles whose emissions are found by appropriate tests to meet state standards without additional equipment, and motor-driven cycles, implements of husbandry, and vehicles which qualify for special license plates under Section 5004 of the Vehicle Code.

39178. The board may revoke, suspend or restrict an accreditation of a previously accredited device or an exemption previously granted upon a determination by the board that

the device no longer operates within the standards set by the board or no longer should be exempted. Provided that once any motor vehicle is equipped with an accredited device it shall not thereafter be deemed in violation of this chapter or Section 27156 of the Vehicle Code because the accreditation of such device is subsequently revoked, suspended or restricted, and replacement parts for such device may continue to be supplied and used for such vehicle, unless such revocation, suspension or restriction is based upon a finding that the accredited device has been found to be defective, in which event such devices must be brought into compliance with this chapter within 30 days after such finding.

39179. Proceedings under this article with respect to the denial of applications for accreditation, the granting of exemptions, or for the revocation, suspension, or restriction of accreditation previously granted by the board shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and the board shall have all the powers granted therein.

39180. In establishing tests and procedures the board shall adopt standards including, but not limited to, the following:

(a) An accredited exhaust emission control device shall not cost more than sixty-five dollars ($65), including the cost of installation.

(b) An accredited exhaust emission control device shall not require maintenance more than once each 12,000 miles, and such maintenance shall not cost more than fifteen dollars ($15), including the cost of parts and labor.

(c) An accredited exhaust control device shall equal or exceed the performance criteria established by the board for devices for new motor vehicles or, in the alternative, have an expected useful life of at least 50,000 miles of operation.

(d) Standards for an accredited fuel system evaporative loss control device shall take into consideration the cost of the device and its installation, its durability, the ease and facility of determining whether the device, when installed on a motor vehicle is properly functioning, and any other factors which, in the opinion of the board, render such a device suitable or unsuitable for the control of motor vehicle air pollution or for the health, safety, and welfare of the public.

(e) An accredited fuel system evaporative loss control device shall equal or exceed the performance criteria established by the board for such new devices required on new motor vehicles, or in the alternative, must have an expected useful life of at least 50,000 miles of operation.

39180.1. Whenever the board accredits a fuel system evaporative loss control device for which standards have been set by this chapter, it shall submit a report of its findings and its recommendations for installation on used vehicles to the Legislature within 10 days, if it is then in session, or if not in session not later than January 15, of the next general session.

Such report shall contain a report on the cost of such device, including the cost of installation and a review of its potential performance, including required maintenance and the cost of parts and labor.

39180.2. No accredited fuel system evaporative loss control device for installation on used motor vehicles, nor any other accredited device not mentioned in Section 39129 shall be required to be installed on any used motor vehicles until approved by statute enacted by the Legislature.

39181. The board may issue permits for the testing of experimental motor pollution control devices installed in used motor vehicles, or for the testing of experimental or prototype motor vehicles which appear to have very low emission characteristics.

39182. Any manufacturer of a device required by this article shall, as a condition of accreditation of such device by the board, agree that so long as only one such device is accredited by the board such manufacturer shall either: (1) agree to enter into such cross-licensing or other agreements as the board determines are necessary to insure adequate competition among manufacturers of such devices to protect the public interest; or (2) agree as a condition to such accreditation that if only one such device from one manufacturer is made available for sale to the public, the board shall, taking into consideration the cost of manufacturing the device and the manufacturer's suggested retail price, and in order to protect the public interest, determine the fair and reasonable retail price of such device and may require, as a condition to continued accreditation of such device, that the retail price of such device, including installation, not exceed such price as determined by the board. In either event the retail price so determined by the board for a device required by Section 39176 shall not exceed sixty-five dollars ($65) per vehicle.

39183. Whenever the board accredits a device for the control of emissions of pollutants from a particular source of emissions from motor vehicles for which standards have been set by this chapter and the board, it shall so notify the Department of Motor Vehicles.

39184. No person shall sell, display, advertise, or represent as an accredited device any device which, in fact, is not an accredited device. No person shall install or sell for installation upon any used motor vehicle any motor vehicle pollution control device which has not been accredited by the board.

Article 6. Variances

39190. The Governor with the advice and consent of the Senate shall appoint a hearing board to consist of three members, none of whom is employed by the board or the state. Two members shall be registered professional engineers knowledgeable in motor vehicle emission control. One member shall have been admitted to practice law in this state.

39191. The Governor shall appoint one member of the hearing board for a term of one year, one for a term of two years, and one for a term of three years. Thereafter the terms of members of the hearing board shall be three years.

39192. The hearing board at the request of any person may hold a hearing to determine under what conditions and to what extent a variance from the emission standards for new or used cars established by Article 2 (commencing with Section 39100) of this chapter or by rules, regulations, or orders of the board is necessary and will be permitted. All such hearings shall be open to the public and shall be held at a place which the board determines to be convenient to the public in the area most affected by the motor vehicle air pollution problem.

39193. The board may provide, by regulation, a schedule of fees which will yield a sum not exceeding the estimated cost of the administration of this article, for the filing of applications for variances or to revoke or modify variances. All applicants shall pay the fees required by such regulations.

39194. The hearing board shall serve a notice of the time and place of a hearing to grant a variance upon the chairman and the executive officer of the board and upon the applicant, if any, not less than 10 days prior to such hearing.

39195. If the hearing board finds that because of conditions beyond control, compliance with the standards in Article 2 (commencing with Section 39100) of this chapter or with any rule, regulation, or order of the board will result in an arbitrary and unreasonable taking of property or in a serious and demonstrable economic hardship without a sufficient corresponding benefit or advantage to the people in the reduction of air pollution, it shall prescribe other and different standards not more onerous applicable to named classes of industries or persons. Tests and procedures for determining compliance with the standards established by the hearing board shall be the same as those tests and procedures established by the State Air Resources Board.

In establishing other and different standards the hearing board shall not prescribe standards less onerous than any applicable federal standards. Any federal standard enacted or implemented during the period for which a variance granting a less onerous standard is running shall immediately supersede the standard established by the hearing board.

39196. Notwithstanding the provisions of Section 39195. the hearing board shall grant variances to manufacturers of new motor vehicles only on a showing that the vehicle manufacturer is making all reasonable efforts to comply with the standards as soon as possible.

39196.5. The hearing board may revoke or modify by written order, after a public hearing held upon not less than 10 days' notice, any order permitting a variance.

39197. The hearing board shall serve notice of the time and place of a hearing to revoke or modify any order permitting a variance not less than 10 days prior to such hearing upon the director and the executive officer of the board, upon all persons who will be subjected to greater restrictions if such order is revoked or modified as proposed and upon all other persons interested or likely to be affected who have filed with the hearing board or board a written request for such notification.

39197.5. The hearing board shall serve a notice of the time and place of a hearing to grant a variance or to revoke or modify an order permitting a variance either by personal service or by first-class mail, postage prepaid. If either the identity or address of any person entitled to notice is unknown, the hearing board shall serve such person by publication of notice once in a newspaper of general circulation published within the State of California.

39198. The hearing board in making any order permitting a variance may specify the time during which such order will be effective, in no event to exceed one year.

39199. The hearing board in administering the provisions of this article may conduct investigations and hearings pursuant to Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

39200. After each hearing for a variance under proceedings held pursuant to this article, the hearing board shall make written findings of fact based upon the evidence and shall render a written decision Such findings and written decision shall contain a detailed description of all testing data and testing procedures used in connection with the evidence submitted to the hearing board. Each written decision, accompanied by the findings, shall be transmitted to the Legislature forthwith. Nothing in this section shall require or authorize the disclosure of any trade secret privileged under Section 1060 of the Evidence Code, or of any information not a part of the public record the disclosure of which is prohibited by Section 11183 of the Government Code.

39201. The hearing board created by this article shall not exercise or undertake any duty, power, responsibility or jurisdiction vested in the hearing board by this article unless, and until, the State Air Resources Board determines that the Secretary of Health, Education and Welfare will not waive application to California of Section 208 of the National Emission Standards Act. In the event of such a determination by the State Air Resources Board then and then only shall Sections 39192 to 39200, inclusive, of this article become operative.

SEC. 9. Section 14808.1 is added to the Government Code, to read:

14808.1. In establishing bid specifications for the purchase of motor vehicles and in determining the lowest responsible bidder, consideration shall be given by the state to the low emission test results of such vehicles as determined by the State Air Resources Board pursuant to Section 39052 of the

Health and Safety Code. The state shall purchase low emission test vehicles insofar as the cost of those vehicles do not exceed the cost of vehicles which would otherwise be purchased for state use by 10 percent, except for the following vehicles:

(a) Vehicles used by the Department of the California Highway Patrol as patrol cars.

(b) Vehicles which are used in other special ways so as to render the low emission requirements impractical.

SEC. 10. Section 2814 of the Vehicle Code is amended to read:

2814. Every driver of a passenger vehicle shall stop and submit the vehicle to an inspection of the mechanical condition and equipment of the vehicle at any location where members of the California Highway Patrol are conducting tests and inspections of passenger vehicles and when signs are displayed requiring such stop.

The Commissioner of the California Highway Patrol may make and enforce regulations with respect to the issuance of stickers or other devices to be displayed upon passenger vehicles as evidence that the vehicles have been inspected and have been found to be in safe mechanical condition and equipped as required by this code and equipped with certified motor vehicle pollution control devices as required by Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code which are correctly installed and in operating condition. Any sticker so issued shall be placed on the windshield within a seven-inch square as provided in Section 26708.

If, upon such an inspection of a passenger vehicle, it is found to be in unsafe mechanical condition or not equipped as required by this code and the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, the provisions of Article 2 (commencing with Section 40150) of Chapter 1 of Division 17 of this code shall apply.

SEC. 11. Section 4000 of the Vehicle Code is amended to read:

4000. (a) No person shall drive, move, or leave standing any motor vehicle, trailer, semitrailer, pole or pipe dolly, logging dolly, or auxiliary dolly upon a highway unless it is registered and the appropriate fees have been paid under this code.

No person shall drive, move, or leave standing any motor vehicle upon a highway which has been registered in violation of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code.

(b) The provisions of this section shall not apply, following payment of fees due for registration, during such time that registration and transfer is being withheld by the Department of Motor Vehicles pending the investigation of any use tax due under the provisions of the Revenue and Taxation Code.

(c) When a vehicle is towed by a tow car on order of a sheriff, marshal, or other official acting pursuant to a court

order or on order of a peace officer acting pursuant to the provisions of Chapter 10 (commencing with Section 22650) of Division 11, the provisions of subdivision (a) of this section shall not apply.

SEC. 12. Section 4000.1 of the Vehicle Code is amended to read:

4000.1. (a) On and after December 1, 1965, the department shall require upon transfer of ownership and registration of any motor vehicle subject to Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a certified device or devices which are in proper operating condition and which are in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code.

(b) The State Air Resources Board established under Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code may exempt designated classifications of motor vehicles from the provisions of subdivision (a) as they deem necessary, and shall notify the department of such action; provided, however, that no exemption shall be granted to those vehicles subject to the provisions of subdivision (g) of Section 39129 of the Health and Safety Code, except as provided therein.

SEC. 12.5. Section 4000.1 of the Vehicle Code is amended to read:

4000.1. (a) On and after December 1, 1965, the department shall require upon transfer of ownership and registration of any motor vehicle subject to Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a certified device or devices which are in proper operating condition and which are in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code.

A certificate of compliance issued for any motor vehicle shall serve as proof of compliance with Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code upon any subsequent transfer of ownership and registration at any time between the husband and wife.

(b) The State Air Resources Board established under Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code may exempt designated classifications of motor vehicles from the provisions of subdivision (a) as they deem necessary, and shall notify the department of such action; provided, however, that no exemption shall be granted to those vehicles subject to the provisions of

subdivision (g) of Section 39129 of the Health and Safety Code, except as provided therein.

SEC. 13. Section 4750 of the Vehicle Code is amended to read:

4750. The department shall refuse registration or renewal or transfer of registration upon any of the following grounds:

(a) That the application contains any false or fraudulent statement.

(b) That the required fee has not been paid.

(c) That the registration or renewal or transfer of registration is prohibited by the requirements of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code.

SEC. 13.5. Section 4750 of the Vehicle Code is amended to read:

4750. The department shall refuse registration or renewal or transfer of registration upon any of the following grounds:

(a) That the application contains any false or fraudulent statement.

(b) That the required fee has not been paid.

(c) That the registration or renewal or transfer of registration is prohibited by the requirements of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code.

(d) That the department has been notified pursuant to subdivision (c) of Section 40508 that the owner or lessee of the vehicle has failed to pay a fine, and such fine has not subsequently been paid.

SEC. 13.6. Section 12300 of the Vehicle Code, as added by Assembly Bill No. 1320, as enacted at the 1968 Regular Session, is amended to read:

12300. As used in this chapter:

(a) "Motor vehicle pollution control device" and "certified device" shall be construed as defined in Sections 39093 and 39094 of the Health and Safety Code.

(b) "Station," "licensed station," "licensed installer," and "licensed adjuster" shall be construed as defined in Chapter 2.5 (commencing with Section 2500) of Division 2 of this code.

SEC. 13.7. Section 12302 of the Vehicle Code, as added by Assembly Bill No. 1320, as enacted at the 1968 Regular Session, is amended to read:

12302. Any person may install a motor vehicle pollution control device; however, no person who is not a licensed installer shall install such a device for compensation. No such device shall be deemed to meet the requirements of this code or of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code and the rules and regulations of the State Air Resources Board unless it has been inspected by a licensed installer in a licensed station and a certificate of compliance has been issued by such licensed station.

SEC. 13.8. Section 12303 of the Vehicle Code as added by Assembly Bill No. 1320, as enacted at the 1968 Regular Session, is amended to read:

12303. Whenever a licensed installer in a licensed station, in conformity with the instructions of the commissioner installs, inspects, or repairs a motor vehicle pollution control device, and determines that the device conforms with the requirements of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, and the rules and regulations of the State Air Resources Board, a certificate of compliance shall be issued to the owner or driver of the vehicle. The commissioner, for a fee of ten cents ($0.10), shall furnish to the licensed station the certificate of compliance to be issued. The certificate of compliance shall contain provisions for the date of issuance, the make and registration number of the vehicle, the name of the owner of the vehicle, and the official designation of the station. It is unlawful for any person, other than a licensed installer in a licensed station, to sign or issue a certificate of compliance required by this chapter.

SEC. 14. Section 24007 of the Vehicle Code is amended to read:

24007. (a) No dealer or person holding a retail seller's permit shall sell a new or used motor vehicle which is not in compliance with the provisions of this code and department regulations adopted pursuant to this code unless the vehicle is sold to another dealer or for the purpose of being wrecked or dismantled or is sold exclusively for off-highway use

(b) No dealer shall sell a new or used motor vehicle subject to the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code which is not in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code and the rules and regulations of the State Air Resources Board, unless the vehicle is sold to another dealer or for the purpose of being wrecked or dismantled. The dealer shall, with each application for transfer of registration of every 1955 or later year model motor vehicle subject to Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, transmit to the Department of Motor Vehicles a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a certified device or devices which are in proper operating condition and which are in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code.

SEC. 15. Section 27153.5 is added to the Vehicle Code, to read:

27153.5. (a) No motor vehicle first sold or registered as a new motor vehicle on or after January 1, 1971, shall dis-

charge into the atmosphere at elevation of less than 3,000 feet any air contaminant for a period of more than 10 seconds which is:

(1) As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in paragraph (1) of this subdivision.

(b) No motor vehicle first sold or registered prior to January 1, 1971, shall discharge into the atmosphere at elevation of less than 3,000 feet any air contaminant for a period of more than 10 seconds which is:

(1) As dark or darker in shade than that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in paragraph (1) of this subdivision.

SEC. 16. Section 28500 of the Vehicle Code is amended to read:

28500. As used in this chapter:

(a) "Motor vehicle pollution control device" and "certified device" shall be construed as defined in Sections 39093 and 39094 of the Health and Safety Code.

(b) "Station" means a motor vehicle pollution control device installation and inspection station.

(c) "Licensed station" means a station licensed by the department pursuant to this chapter.

(d) "Licensed installer" means a person licensed by the department for installing, repairing, inspecting, or recharging motor vehicle pollution control devices in licensed stations.

SEC. 17. Section 28502 of the Vehicle Code is amended to read:

28502. (a) The department shall license stations and shall designate, furnish instructions to, develop regulations for, and supervise licensed stations for installing, repairing, inspecting, or recharging motor vehicle pollution control devices in conformity with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code and the rules and regulations of the department. The department shall establish standards for the qualifications, including training, of licensed installers as a condition to designating and licensing the station as a licensed station.

An owner of a fleet of three or more vehicles may be licensed by the department as a licensed station, provided such owner complies with the regulations of the department.

(b) The department shall license, furnish instruction to, develop regulations for, and supervise licensed installers as a condition for installing, repairing, inspecting, or recharging motor vehicle pollution control devices in licensed stations.

SEC. 18. Section 28506 of the Vehicle Code is amended to read:

28506. Any person may install a motor vehicle pollution control device; however, no person who is not a licensed installer shall install such a device for compensation. No such device shall be deemed to meet the requirements of this code or of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code and the rules and regulations of the State Air Resources Board unless it has been inspected by a licensed installer in a licensed station and a certificate of compliance has been issued by such licensed station.

SEC. 19. Section 28508 of the Vehicle Code is amended to read:

28508. Whenever a licensed installer in a licensed station, in conformity with the instructions of the department, installs, inspects, repairs, or recharges a motor vehicle pollution control device, and determines that the device conforms with the requirements of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, and the rules and regulations of the State Air Resources Board, a certificate of compliance shall be issued to the owner or driver of the vehicle. The department, for a fee of ten cents ($0.10), shall furnish to the licensed station the certificate of compliance to be issued.

The certificate of compliance shall contain provisions for the date of issuance; the make and registration number of the vehicle; the name of the owner of the vehicle; and the official designation of the station.

It is unlawful for any person, other than a licensed installer in a licensed station, to sign or issue a certificate of compliance as provided for by this chapter.

SEC. 20. Section 12.5 of this act shall become operative only if Assembly Bill No. 1989 is enacted by the Legislature at its 1968 Regular Session, and as enacted amends Section 4000.1 of the Vehicle Code, and in such case at the same time as Assembly Bill No. 1989 takes effect, at which time Section 4000.1 of the Vehicle Code as amended by Section 12 of this act is repealed.

SEC. 21. Section 13.5 of this act shall become operative only if Assembly Bill No. 1118 is enacted by the Legislature at its 1968 Regular Session, and as enacted amends Section 4750 of the Vehicle Code, and in such case at the same time as Assembly Bill No. 1118 takes effect, at which time Section 4750 of the Vehicle Code as amended by Section 13 of this act is repealed.

SEC. 22. Sections 13.6, 13.7, and 13.8 of this act shall become operative only if Assembly Bill No. 1320 is enacted by the Legislature at its 1968 Regular Session, and as enacted it adds Sections 12300, 12302, and 12303 to the Vehicle Code,

and in such case at the same time as Assembly Bill No. 1320 takes effect, at which time Sections 28500, 28502, 28506, and 28508 as amended by Sections 17, 18, 19, and 20 of this act are repealed.

CHAPTER 765

An act to add Chapter 5 (commencing with Section 39200) to Part 1 of Division 26 of the Health and Safety Code, and to add Section 14808.5 to the Government Code, relating to low-emission motor vehicles.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 5 (commencing with Section 39200) is added to Part 1 of Division 26 of the Health and Safety Code, to read:

CHAPTER 5. LOW-EMISSION MOTOR VEHICLES

39200. The Legislature finds and declares that emission of pollutants from motor vehicles is a major contributor to air pollution within the State of California and, therefore, declares its policy to encourage the development and testing of various types of low-emission motor vehicles, which would contribute substantially to achieving a pure and healthy atmosphere for the people of this state.

39201. As used in this chapter "low-emission motor vehicle" shall mean a self-propelling vehicle which does not have exhaust emissions of more than .5 grams per mile of hydrocarbons, 11 grams per mile of carbon monoxide, and .75 grams per mile of oxides of nitrogen.

39202. Low-emission motor vehicles shall be submitted to the board for testing to determine if such vehicle meets the standards set forth in Section 39201.

39203. After determining that the low-emission motor vehicle meets the standards prescribed by Section 39201, the Department of General Services in consultation with the board shall determine if the low-emission motor vehicle meets all of the following requirements:

(a) Such vehicle can be manufactured in sufficient numbers for the purpose of proper evaluation.

(b) Such vehicle meets the performance needs for state vehicles.

(c) The cost of such vehicle does not exceed by more than 100 percent the average cost of state passenger vehicles purchased in the preceding fiscal year.

(d) If such vehicle is purchased by the state there would be a sufficient number of servicing and maintenance outlets.

(e) The average servicing and maintenance costs for a low-emission vehicle are comparable to the average servicing and maintenance costs for all other state passenger vehicles, but in no event shall the average servicing and maintenance costs for the low-emission vehicle exceed the average costs of servicing and maintaining all other state passenger vehicles by more than 50 percent.

39204. If a low-emission motor vehicle meets the requirements of this chapter, the state shall, if funds are appropriated for the purpose of purchasing such low-emission motor vehicles, purchase, beginning with the next fiscal year, as many of such low-emission motor vehicles as the Department of General Services determines are reasonable to meet state needs and which are in accordance with manufacturing capability, performance, cost, servicing, and maintenance of such vehicles. If a sufficient number of low-emission vehicles are available, the percentage of all such vehicles to be purchased in that year shall not be less than 25 percent of all motor vehicles purchased by the state in the preceding fiscal year.

39205. The provisions of this chapter shall not apply to the following vehicles:

(a) Patrol cars of the Department of the California Highway Patrol.

(b) Any motor vehicle classified as a special-purpose vehicle by the Department of General Services.

SEC. 2. Section 14808.5 is added to the Government Code, to read:

14808.5. All purchases of motor vehicles by the state shall be in accordance with Chapter 5 (commencing with Section 39200) of Part 1 of Division 26 of the Health and Safety Code.

SEC. 3. Section 14808.5 is added to the Government Code, to read:

14808.5. Except for motor vehicles described in Section 39205 of the Health and Safety Code, the provisions of Chapter 5 (commencing with Section 39200) of Part 1 of Division 26 of the Health and Safety Code shall govern the purchase of all motor vehicles by the state to the extent that the Department of General Services determines that such low-emission vehicles are reasonable to meet state needs pursuant to Section 39204 of the Health and Safety Code.

In the purchasing of the motor vehicles described in Section 39205 of the Health and Safety Code and in purchasing motor vehicles for the state when the Department of General Services has determined there are no low-emission motor vehicles which meet the requirements of Section 39203, Section 14808.1 shall govern the purchase of motor vehicles by the state.

SEC. 4. Section 3 of this act shall become operative only if Assembly Bill No. 357 is enacted by the Legislature at its 1968 Regular Session and in such case at the same time as Assembly Bill No. 357 takes effect; at which time Section 14808.5 of the Government Code as added by Section 2 of this act is repealed.

CHAPTER 766

An act to amend Section 377 of the Code of Civil Procedure, relating to wrongful death actions.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 377 of the Code of Civil Procedure is amended to read:

377. When the death of a person not being a minor, or when the death of a minor person who leaves surviving him either a husband or wife or child or children or father or mother, is caused by the wrongful act or neglect of another, his heirs, and his dependent parents, if any, who are not heirs, or personal representatives on their behalf may maintain an action for damages against the person causing the death, or in case of the death of such wrongdoer, against the personal representative of such wrongdoer, whether the wrongdoer dies before or after the death of the person injured. If any other person is responsible for any such wrongful act or neglect, the action may also be maintained against such other person, or in case of his death, his personal representatives. In every action under this section, such damages may be given as under all the circumstances of the case, may be just, but shall not include damages recoverable under Section 573 of the Probate Code. The respective rights of the heirs and dependent parents in any award shall be determined by the court. Any action brought by the personal representatives of the decedent pursuant to the provisions of Section 573 of the Probate Code may be joined with an action arising out of the same wrongful act or neglect brought pursuant to the provisions of this section. If an action be brought pursuant to the provisions of this section and a separate action arising out of the same wrongful act or neglect be brought pursuant to the provisions of Section 573 of the Probate Code, such actions shall be consolidated for trial on the motion of any interested party.

CHAPTER 767

An act to add Sections 128 and 129 to the Corporations Code, to add Sections 51, 303, 750, 9301.5, 13153, 14504, and 17300.5 to the Education Code, to add Sections 276 and 18654.5, and Chapter 5 (commencing with Section 23700) to Division 1 of Title 3 of, and Chapter 3 (commencing with Section 34450) to Part 1 of Division 2 of Title 4 of, and to repeal Chapter 3 (commencing with Section 34450) of Part 1, Division 2, Title 4 of, the Government Code, to amend Sections 310, 454, 1206, and 1403 of, and to add Sections 461.5, 728.5, and 7509 to, the Public Utilities Code, and to add Section 7351.5 to the Public Resources Code, relating to codification of various provisions to be omitted from the California Constitution in its revision.

[Approved by Governor July 25, 1968. Filed with Secretary of State July 25, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 128 is added to the Corporations Code, to read:

128. A corporation or association may be sued in the county where the contract is made or is to be performed, or where the obligation or liability arises, or the breach occurs; or in the county where the principal place of business of such corporation is situated, subject to the power of the court to change the place of trial as in other cases.

SEC. 2. Section 129 is added to the Corporations Code, to read:

129. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

SEC. 2.1. Section 51 is added to the Education Code, to read:

51. The public school system is established and provided for by this code, and by other applicable provisions of the statutory law. The public school system shall include all kindergarten schools, elementary schools, secondary schools, and technical schools, established in accordance with law and, in addition, the school districts, intermediate units, and the other agencies authorized to maintain them.

No school or college or any other part of the public school system shall be, directly or indirectly, transferred from the public school system or placed under the jurisdiction of any authority other than one included within the public school system.

The Superintendent of Public Instruction shall be elected by the qualified electors of the state at each gubernatorial election. He shall enter upon the duties of his office on the first Monday after the first day of January next succeeding his election.

SEC. 2.15. Section 303 is added to the Education Code, to read:

303. The State Board of Education, on nomination of the Superintendent of Public Instruction, shall appoint one Deputy Superintendent of Public Instruction and three Associate Superintendents of Public Instruction who shall be exempt from state civil service and whose terms of office shall be four years.

SEC. 2.18. Section 750 is added to the Education Code, to read:

750. A superintendent of schools for each county shall be elected by the qualified electors thereof at each gubernatorial election.

SEC. 2.2. Section 9301.5 is added to the Education Code, to read:

9301.5. The State Board of Education shall provide, compile, or cause to be compiled, and adopt, a series of textbooks for use in the day and evening elementary schools throughout the state. The state board may cause such textbooks, when adopted, to be printed and published by the superintendent of state printing, at the State Printing Office; and wherever and however such textbooks may be printed and published, they shall be furnished and distributed by the state free of cost or any charge whatever, to all children attending the day and evening elementary schools of the state, under such conditions as may be prescribed by law. The textbooks, so adopted, shall continue in use not less than four years, without any change or alteration whatsoever which will require or necessitate the furnishing of new books to such pupils.

SEC. 2.3. Section 13153 is added to the Education Code, to read:

13153. The county or intermediate unit superintendent of schools and the county or intermediate unit board of education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions.

SEC. 2.4. Section 14504 is added to the Education Code, to read:

14504. Solely with respect to any retirement system provided for in the charter of any county or city and county pursuant to the provisions of which the contributions of, and benefits to, certificated employees of a school district who are members of such system are based upon the proportion of the salaries of such certificated employees contributed by said county or city and county, all amounts apportioned to said county or city and county, or to school districts therein, from the State School Fund shall be considered as though derived from county or city and county school taxes for the support of county and city and county government and not money provided by the state.

SEC. 2.5. Section 17300.5 is added to the Education Code, to read:

17300.5. The State School Fund in the State Treasury is continued in existence. The entire State School Fund shall be apportioned in each fiscal year pursuant to law through the school districts, intermediate units, and other agencies maintaining such schools, for the support of and aid to, kindergarten schools, elementary schools, secondary schools, and technical schools. The amount apportioned to a school district in any fiscal year shall, in no event, be less than two thousand four hundred dollars ($2,400).

SEC. 2.6. Section 276 is added to the Government Code, to read:

276. Delegates to a constitutional convention shall be voters and shall be selected from districts on an equal population basis.

SEC. 2.7. Section 18654.5 is added to the Government Code, to read:

18654.5. The executive officer shall administer the civil service statutes under rules of the board, subject to the right of appeal to the board.

SEC. 3. Chapter 5 (commencing with Section 23700) is added to Division 1, Title 3 of the Government Code, to read:

CHAPTER 5. COUNTY CHARTERS

Article 1. Proposing a Charter

23700. Counties may propose charters or revise existing charters according to the provisions of this chapter.

23701. Proceedings to propose or revise a charter may be initiated by ordinance, adopted by a majority vote of the members of the governing body of each county. The ordinance shall declare that the public interest requires the election of a charter commission composed of 15 qualified electors of the county, to be elected by the qualified electors of the county, at a general or special election. Proceedings to propose or revise a charter may also be initiated by a petition of qualified electors of the county as provided in this chapter.

23702. Petitions to propose or revise a charter shall be signed by at least 15 percent of the qualified electors of the county, computed upon the total number of votes cast for all candidates for Governor at the last preceding general election at which a Governor was elected, and shall request the election of a charter commission to prepare and propose or revise a charter for the county. It shall be filed in the office of the county clerk.

23703. It shall be the duty of the county clerk, within 20 days after the filing of the petition, to examine the same, and to ascertain from the record of the registration of electors of the county, whether the petition is signed by the requisite number of qualified electors. If required by the clerk, the governing body shall authorize him to employ persons specially

to assist him in the work of examining the petition, and shall provide for their compensation.

23704. Upon the completion of such examination, the clerk shall attach to the petition his certificate, properly dated, showing the result thereof; and if, by such certificate, it shall appear that the petition is signed by the requisite number of qualified electors, the clerk shall immediately present the petition to the governing body, if it be in session, otherwise at its next regular meeting after the date of such certificate.

23705. Upon the adoption of such ordinance, or the presentation of such petition, the governing body shall order the holding of a special election for the purpose of electing a charter commission, which special election shall be held not less than 20 days nor more than 60 days after the adoption of the ordinance or the presentation of the petition to the governing body. If a general election shall occur in the county not less than 20 days nor more than 60 days after the adoption of the ordinance, or the presentation of the petition to the governing body, the charter commissioners may be elected at such general election.

23706. Candidates for election as members of the charter commission shall be nominated substantially in the same manner provided by general law for the nomination of candidates for county offices.

23707. At such election the electors shall vote first on the question "Shall a charter commission be elected to propose or revise a charter?" and secondly, for the candidates for the office of charter commissioner. If the first question receives a majority of the votes of the qualified voters voting at such election, the 15 candidates for the office of charter commissioner receiving the highest number of votes shall forthwith organize as a charter commission, but if the first question receives less than a majority of the votes of the qualified voters voting at such election, no charter commission shall be deemed to have been elected.

23708. It shall be the duty of the charter commission to prepare and propose a charter or revised charter for the county, which shall be signed in duplicate by the members of the charter commission, or a majority of them, and be filed, one copy in the office of the county clerk and the other in the office of the county recorder.

23709. The governing body shall cause the proposed charter or revised charter to be published for at least 10 times in a daily newspaper of general circulation, printed, published and circulated in the county. In any county where no such daily newspaper is printed, published and circulated, the proposed or revised charter shall be published for at least three times in at least one weekly newspaper of general circulation, printed, published and circulated in the county. In any county where neither a daily nor weekly newspaper is printed, published and circulated, a copy of such proposed or revised char-

ter shall be posted by the county clerk in three public places in the county, and on or near the entrance to at least one public schoolhouse in each school district in the county. The first publication or the posting of a proposed or revised charter shall be made within 15 days after the filing of a copy thereof, in the office of the county clerk.

23710. The proposed charter or revised charter shall be submitted by the governing body to the qualified electors of the county at a special election held not less than 30 days nor more than 60 days after the completion of the publication, or posting provided for in Section 23709. If a general election shall occur in the county not less than 30 days nor more than 60 days after the completion of the publication, or posting, then the proposed or revised charter may be submitted at the general election.

23711. As an alternative to the procedure provided for in Sections 23700 through 23710 of this article, the governing body of any county, on its own motion may propose or cause to be proposed or revise or cause to be revised, a proposed charter and submit the proposal for adoption to the electors at either a special election called for that purpose or at any general or special election. Any charter so submitted shall be advertised in the same manner as provided for the advertisement of a charter proposed by a charter commission; and the election on such charter shall be held at a date to be fixed by the governing body of the county, which shall be not less than 40 nor more than 60 days after the completion of the advertising in the official paper.

23712. If the electors, voting at a general or special election, shall vote in favor of the charter proposed or revised by a charter commission or the governing body of a county, it shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the Legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by the majority vote of the members elected to each house, such charter shall become the charter of such county and shall become the organic law thereof relative to the matters provided therein, and supersede any existing charter, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter.

23713. A copy of the charter, certified and authenticated by the chairman and clerk of the governing body under the seal of the governing body and attested by the county clerk of the county, setting forth the submission of the charter to the electors of the county, and its ratification by them shall, after the approval of the charter by the Legislature, be made in duplicate, and filed, one in the office of the Secretary of State and the other, after being recorded in the office of the recorder

of the county, shall be filed in the office of the county clerk, and thereafter all courts shall take judicial notice of the charter.

Article 2. Charter Amendment and Repeal

23720. (a) A county charter may be amended by proposals submitted by the governing body or by a petition signed by 10 percent of the qualified electors of the county, computed upon the total number of votes cast in the county for all candidates for Governor at the last general election at which a Governor was elected, filed in the office of the county clerk of the county, petitioning the governing body to submit a proposed amendment or amendments to the charter of the county to the qualified electors of the county, which amendment or amendments are set forth in full in such petition.

(b) A county charter may be repealed by proposals submitted by the governing body or by a petition signed by 10 percent of the qualified electors of the county computed upon the total number of votes cast in the county for all candidates for Governor at the last general election at which a Governor was elected. Such petition, petitioning the governing body to submit the question of charter repeal to the qualified electors of the county, shall be filed in the office of the county clerk of the county.

23721. The petition shall forthwith be examined and certified by the county clerk as provided in Section 23703 for petitions for the election of a charter commission, and if signed by the requisite number of qualified electors of the county, shall be presented to the governing body, by the county clerk.

23722. Upon the presentation of a petition, or upon its own submission of a proposal to amend or repeal the charter, the governing body shall submit the amendment or amendments proposed or the question of the repeal of the charter to the qualified electors of the county at a general or special election held not less than 30 days nor more than 60 days after the publication of such proposal in the same manner as that provided in Section 23709 for a proposed or revised charter. In submitting the question of charter repeal or amendment, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

23723. If the majority of electors voting, at a general or special election, shall vote in favor of the proposed amendment or amendments or in favor of charter repeal, the amendment or amendments or charter repeal shall be deemed to be ratified. Any charter amendment or amendments so ratified shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the Legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the Legislature, as provided in this

chapter for the approval of the charter, such charter shall be amended accordingly.

23724. A copy of the amendment or amendments shall, after approval by the Legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed in the same manner as provided in Section 23713 for the charter, and with like force and effect.

Article 3. Elections

23730. Every special election held under the provisions of this chapter, for the election of a charter commission or for the submission of a proposed or revised charter, or any amendment or amendments thereto, or repeal thereof, shall be called by the governing body, by ordinance, which shall specify the purpose and time of such election and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct.

23731. Such ordinance, referred to in Section 23730, prior to such election, shall be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper, printed, published and circulated in the county. If no daily or weekly newspaper be printed or published in such county, then a copy of such ordinance shall be posted by the county clerk in three public places in the county and in or near the entrance to at least one public schoolhouse in each school district. In all other respects, every such election shall be held and conducted, the returns canvassed and the result declared by the governing body in the same manner as provided by law for general elections.

23732. Whenever a charter commission shall be elected, or any such proposed charter or revised charter, or amendment or amendments thereto, or repeal thereof, shall be submitted, at a general election, the general laws applicable to the election of county officers and the submission of propositions to the vote of electors, shall be followed insofar as the same may be applicable.

SEC 4. Chapter 3 (commencing with Section 34450) of Part 1, Division 2, Title 4 of the Government Code is repealed.

SEC. 5. Chapter 3 (commencing with Section 34450) is added to Part 1, Division 2, Title 4 of the Government Code, to read:

CHAPTER 3. CITY CHARTERS

34450. Any city or city and county may propose or revise a charter for its own government according to the provisions of this article.

34451. The charter may be proposed or revised by a charter commission chosen by the electors of the city or city and county, at any general or special election, but no person shall be eligible as a candidate for such commission unless he is an elector of the city or city and county.

34452. An election for choosing charter commissioners may be called by a majority vote of the governing body of the city or city and county, or on presentation of a petition signed by not less than 15 percent of the registered electors of such city or city and county. The governing body shall call such election at any time not less than 30 nor more than 60 days from date of the filing of the petition. Any such petition shall be verified by the authority having charge of the registration records of the city or city and county and the expenses of such verification shall be provided by the governing body thereof.

34453. At such election the electors shall vote first on the question "Shall a charter commission be elected to propose a new charter or to revise the charter?" and secondly for the candidates of the office of charter commissioner. If the first question receives a majority of the votes of the qualified voters voting thereon at such election, the 15 candidates for the office of charter commissioner receiving the highest number of votes shall forthwith organize as a charter commission, but if the first question receives less than a majority of the votes of the qualified voters voting thereon at such election no charter commission shall be deemed to have been elected.

34454. Candidates for the office of charter commissioner shall be nominated either in such manner as may be provided for the nomination of officers of the municipal or city and county government or by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections.

34455. The charter commissioners shall propose a charter for the government of the city or city and county or revise a charter. The charter so prepared shall be signed by a majority of the charter commissioners and shall be filed in the office of the clerk of the governing body of the city or city and county. The governing body of the city or city and county shall, within 15 days after such filing, cause such charter to be published once in the official newspaper of said city or city and county and in each edition thereof, during the day of publication. In case there is no such official newspaper, the charter shall be published in a newspaper of general circulation within such city or city and county and in all the editions thereof issued during the day of publication.

34456. In any city or city and county with over 50,000 population, the governing body shall cause copies of the charter to be printed in convenient pamphlet form and in type of not less than 10-point and shall cause copies to be mailed to each of the qualified electors of the city or city and county, and shall, until the day fixed for the election upon the charter, advertise in one or more newspapers of general circulation in said city or city and county a notice that copies may be had upon application therefor.

34457. The proposed or revised charter shall be submitted to the electors of the city or city and county at a date to be

fixed by the charter commission before its filing and designated on the charter, either at a special election held not less than 60 days from the completion of the publication of the charter as provided in this article, or at the general election next following the expiration of said 60 days.

34458. As an alternative to the procedure provided for in Sections 34450 through 34457 of this article, the governing body of any city or city and county, on its own motion may propose or cause to be proposed or revise or cause to be revised, a charter and submit the proposal for the adoption or revision thereof to the electors at either a special election called for that purpose or at any general or special election. Any charter so submitted shall be advertised in the same manner as provided for the advertisement of a charter proposed by a charter commission; and the election on such charter shall be held at a date to be fixed by the governing body of the city or city and county, which shall be not less than 40 nor more than 60 days after the completion of the advertising in the official paper.

34459. The charter of any city or city and county may be amended or repealed by proposals submitted by the governing body on its own motion or by petition signed by 15 percent of the registered electors, or both. Such proposals shall be submitted to the electors at either a special election called for that purpose or at any general or special election.

34460. Petitions for the submission of any amendment or petitions for the repeal of a charter shall be filed with the governing body of the city or city and county not less than 60 days prior to the general election next preceding a regular session of the Legislature. The signatures on such petitions shall be verified by the authority having charge of the registration records of the city or city and county, and the expenses of such verification shall be provided by the governing body thereof.

34461. If the petitions have a sufficient number of signatures the governing body of the city or city and county shall submit the amendment or amendments proposed or the proposal for charter repeal to the electors. Amendments proposed by the governing body and amendments proposed by petition of the electors may be submitted at the same election. The amendments so submitted or the proposal for charter repeal shall be advertised in the same manner as provided for the advertisement of a proposed or revised charter, and the election on the proposed amendments or the proposal for charter repeal shall be held at a date to be fixed by the governing body of the city or city and county, which is not less than 40, and not more than 60, days after the completion of the advertising in the official paper.

34462. The percentages of the registered electors required for the election of charter commissioners or the submission of amendments to charters or the proposal for charter repeal shall be calculated upon the total vote cast for all candidates

for Governor in the city or city and county at the last preceding general state election at which a Governor was elected; and the qualified electors shall be those whose names appear upon the registration records of the same or preceding year. The election laws of such city, or city and county shall, so far as applicable, govern all elections held under the authority of this section.

34463. One copy of the charter ratified and approved in accordance with the provisions of this article shall be filed with the Secretary of State, one with the recorder in the county in which such city is located, and one in the archives of the city, and in the case of a city and county one copy shall be filed with the recorder thereof, and one in the archives of such city and county; and thereafter the courts shall take judicial notice of the provisions of such charter.

SEC. 5. Section 310 of the Public Utilities Code is amended to read:

310. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission. Any investigation, inquiry, or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner or commissioners designated for the purpose by the commission. The evidence in any investigation, inquiry, or hearing may be taken by the commissioner or commissioners to whom such investigation, inquiry, or hearing has been assigned or, in his or their behalf, by an examiner designated for that purpose. Every finding, opinion, and order made by the commissioner or commissioners so designated, pursuant to such investigation, inquiry, or hearing, when approved or confirmed by the commission and ordered filed in its office, shall be deemed to be the finding, opinion, and order of the commission.

SEC. 6. Section 454 of the Public Utilities Code is amended to read:

454. (a) No public utility shall raise any rate or so alter any classification, contract, practice, or rule as to result in any increase in any rate except upon a showing before the commission and a finding by the commission that such increase is justified.

(b) No railroad or other transportation company shall raise any rate or charge for the transportation of freight or passengers or any charge connected therewith or incidental thereto, under any circumstances whatsoever, except upon a showing before the commission that such increase is justified. The decision of the commission upon the showing so made shall not be subject to review by any court except upon the question of whether such decision of the commission will result in confiscation of property.

(c) The commission may establish such rules as it considers reasonable and proper for each class of public utility providing for the nature of the showing required to be made in support of proposed increases, the form and manner of the presentation of such showing, and the procedure to be followed in the consideration thereof. Rules applicable to common carriers may provide for the publication and filing of any proposed increase together with a written showing in support thereof, giving notice of such filing and showing in support thereof to the public, affording an opportunity for protests thereto, and to the consideration of, and action on, such showing and any protests filed thereto by the commission, with or without hearing; provided that the proposed increase shall not become effective until it has been approved by the commission.

SEC. 7. Section 461.5 is added to the Public Utilities Code, to read:

461.5. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this state. It shall be unlawful for any railroad or other transportation company to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through rate than the aggregate of the intermediate rates.

Upon application to the commission such company may, in special cases, after investigation, be authorized by the commission to charge less for longer than for shorter distances for the transportation of persons or property and the commission may from time to time prescribe the extent to which such company may be relieved from the prohibition to charge less for the longer than for the shorter haul. The commission may authorize the issuance of excursion and commutation tickets at special rates.

Nothing contained in this section shall be construed to prevent the commission from ordering and compelling any railroad or other transportation company to make reparation to any shipper on account of the rates charged to such shipper being excessive or discriminatory, provided no discrimination will result from such reparation.

SEC. 8. Section 728.5 is added to the Public Utilities Code, to read:

728.5. The commission may establish rates or charges for the transportation of passengers and freight by railroads and other transportation companies, and no railroad or other transportation company shall charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or freight, or for any service in connection therewith, between the points named in any tariff of

rates established by the commission than the rates, fares and charges which are specified in such tariff. The commission may examine books, records and papers of all railroad and other transportation companies; may hear and determine complaints against railroad and other transportation companies; and may issue subpoenas and all necessary process and send for persons and papers. The commission and each of the commissioners may administer oaths, take testimony and punish for contempt in the same manner and to the same extent as courts of record. The commission may prescribe a uniform system of accounts to be kept by all railroad and other transportation companies.

SEC. 9. Section 1206 of the Public Utilities Code is amended to read:

1206. With the consent and upon the request of the condemnor and condemnee the commission may fix the just compensation to be paid for property or any interest in or to property to be taken or damaged in the separation of grades at any crossing specified in Section 1202, or for property or any interest in or to property to be taken or damaged in the construction, alteration, or relocation, under the order or with the approval of the commission, of elevated tracks or subways for any railroad or street railroad over or under any public road, street, highway, or private right-of-way, or of any public road, street, or highway over or under the tracks of any railroad corporation or street railroad corporation, and upon the payment of the compensation so fixed may make a final order of condemnation.

SEC. 10. Section 1403 of the Public Utilities Code is amended to read:

1403. With the consent and upon the request of the condemnor and condemnee any political subdivision may, at any time, file with the commission either a petition of the first class, setting forth the intention of the political subdivision to acquire under eminent domain proceedings, or otherwise, the lands, property, and rights of any character whatsoever of any public utility or a petition of the second class, setting forth the intention of the political subdivision to initiate such proceedings as may be required under the law governing the political subdivision for the purpose of submitting to the voters of the political subdivision a proposition to acquire under eminent domain proceedings, or otherwise, the lands, property, and rights of any character whatsoever of any public utility.

SEC. 11. Section 7509 is added to the Public Utilities Code, to read:

7509. No president, director, officer, agent, or employee of any railroad corporation shall be interested, directly or indirectly, in the furnishing of material or supplies to such corporation, nor in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such corporation, except such in-

terest in the business of transportation as lawfully flows from the ownership of stock therein.

SEC. 12. Section 7351.5 is added to the Public Resources Code, to read:

7351.5. Lands belonging to this state, which are suitable for cultivation, shall be granted only to actual settlers, and in quantities not exceeding 320 acres for each settler, under such conditions as shall be prescribed by law.

SEC. 12.5. Section 2.2 of this act shall not become operative if Senate Bill No. 96 of the 1968 Regular Session is enacted.

SEC. 13. This act shall become operative only if Assembly Constitutional Amendment No. 30 of the 1968 Regular Session is adopted by the people, in which event it shall become operative at the same time as Assembly Constitutional Amendment No. 30.

CHAPTER 768

An act to add Section 24413 to the Revenue and Taxation Code, relating to bank and corporation taxation, to take effect immediately, tax levy.

[Approved by Governor July 27, 1968. Filed with Secretary of State July 29, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 24413 is added to the Revenue and Taxation Code, to read:

24413. Unincorporated trusts or unincorporated associations which are subject to the provisions of this part for the income year, and which qualify for federal tax purposes as "real estate investment trusts" under Sections 856, 857 and 858 of the Internal Revenue Code of 1954, shall be entitled to a deduction for income distributed during the income year.

SEC. 1.5. The provisions of this act shall be applied in the computation of taxes for income years beginning on and after January 1, 1968.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into effect immediately.

CHAPTER 769

An act to add Section 31054 to the Water Code, relating to county water districts.

[Approved by Governor July 27, 1968. Filed with Secretary of State July 29, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 31054 is added to the Water Code, to read:

31054. No publicly owned utility shall commence to provide any water service for, on, or to any land within a county water district which is subject to a lien of an indebtedness arising under any contract between the district and the United States of America incurred or contracted by the district for the purpose of providing water service, provided two-thirds of the registered voters of the county water district have approved the incurrence of the indebtedness and, provided further, that the district has water available and is ready, able, and willing to serve such land.

However, a publicly owned utility may commence to provide service, otherwise prohibited, upon either of the following conditions:

(a) If the board of directors of such a county water district shall by resolution permit such service; or

(b) In any portion of such a county water district proposed to be served by the publicly owned utility in which the total number of registered voters residing therein exceeds 200, and in which at least a majority of the voters voting on the proposition shall have voted at a special county water district election to permit such service within that portion of the district. The election shall be called and held within that portion of the district as an initiative measure pursuant to Section 30830.

CHAPTER 770

An act to add Section 271.3 to the Revenue and Taxation Code, relating to property tax exemptions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 271.3 is added to the Revenue and Taxation Code, to read:

271.3. Any tax or penalty or interest thereon, for any fiscal year commencing during the calendar year 1967 or any calendar year thereafter on property owned by any organization, which would have qualified for the cemetery, church, college, orphanage or welfare exemption had the organization been in existence on the lien date in 1967 or any calendar year thereafter, which was acquired by it during that calendar year after the lien date in that year but prior to the commencement of such fiscal year, and of a kind that presently qualifies for such exemption and that would have so qualified for such fiscal year had it been owned by such organization on such lien date and had the organization been in existence on such lien date, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been

levied or charged erroneously and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected. Any cancellation or refund made pursuant to this section shall be made provided an appropriate application for exemption is filed in the case of any tax or penalty, or interest thereon, for the fiscal years commencing during the calendar years 1967 and 1968 by January 15, 1969, and thereafter before the 15th of January in the calendar year following the calendar year in which the property was acquired.

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:

Some organizations qualified for the cemetery, church, college, orphange or welfare exemption underwent reorganization at the time of the lien date and were therefore technically not in existence at that time and as a result their property has been taxed although, in fact, but for the technicality they would qualify for the exemption. If required to meet such tax obligation, the ability of such organizations to function effectively will be seriously impaired to the great detriment of our state. This act will remedy the situation, and in so doing, the public policy of the state will be subserved and the state as a whole will benefit.

CHAPTER 771

An act to amend Section 15606 of the Government Code, relating to the State Board of Equalization.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 15606 of the Government Code is amended to read:

15606. The State Board of Equalization shall:

(a) Prescribe rules for its own government and for the transaction of its business.

(b) Keep a record of all its proceedings.

(c) Prescribe rules and regulations to govern local boards of equalization when equalizing, and assessors when assessing.

(d) Prescribe and enforce the use of all forms for the assessment of property for taxation.

(e) Prepare and issue instructions to assessors designed to promote uniformity throughout the state and its local taxing jurisdictions in the assessment of property for the purposes of taxation. It may adapt such instructions to varying local

circumstances and to differences in the character and conditions of property subject to taxation as in its judgment is necessary to attain such uniformity.

(f) Subdivisions (c), (d) and (e) in this section shall include, but are not limited to, rules, regulations, instructions and forms relating to classifications of kinds of property and evaluation procedures. All rules and regulations adopted by the board pursuant to subdivision (c) shall be adopted, on and after January 1, 1968, pursuant to the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of this division.

The State Board of Equalization shall not prescribe rules and regulations to govern local boards of equalization when equalizing and assessors when assessing with respect to the assessment and equalization of possessory interest until the lien date in 1970.

The provisions of this section are mandatory.

SEC. 2. In amending Section 15606 of the Government Code by this act, the Legislature declares that rules adopted relating to the taxability and valuation of possessory interest in publicly owned land shall be uniform and relate to all possessory interests, rather than prescribing rules for only one category of possessory interests. The State Board of Equalization is directed between the effective date of the act and February 28, 1970 to develop comprehensive rules relating to all types of possessory interests, factors which make such interests subject to taxation and factors relevant to the valuation of such interests.

SEC. 3. Nothing in this act shall be construed as exempting any possessory interest subject to taxation.

CHAPTER 772

An act to amend Section 69606 of the Government Code, relating to superior court judges.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 69606 of the Government Code is amended to read:

69606. In the County of Ventura there shall be seven judges of the superior court.

CHAPTER 773

An act to add Article 1.5 (commencing with Section 25543) to Chapter 5 of Division 18.5 of the Education Code, relating to financial support for public junior colleges.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Article 1.5 (commencing with Section 25543) is added to Chapter 5 of Division 18.5 of the Education Code, to read:

Article 1.5. Administration of State School Fund Support Program

25543. It is the intent and purpose of the Legislature by this article to particularly implement the provisions of Section 197 of this code in connection with the allowance, apportionment and disbursement of moneys from the State School Fund for support of the public junior colleges. The Board of Governors of the California Community Colleges shall succeed to all of the duties, powers, purposes, responsibilities, and jurisdiction essential to the performance of that function theretofore vested in the State Board of Education, the Department of Education, and the Superintendent of Public Instruction, except that the Superintendent of Public Instruction shall compute all allowances and apportionments to be made and certify the computations to the State Controller and the Board of Governors.

25543.01. Except with respect to district assessed valuation levels and tax rates, which shall continue to be reported directly to the Superintendent of Public Instruction by county authorities pursuant to Section 17701 of this code and any other applicable provisions of law, the Board of Governors shall have the power and responsibility of making determinations concerning all other essential factors and certifying the same to the Superintendent of Public Instruction. For such purposes the powers and responsibilities of the Board of Governors shall extend to, but shall not necessarily be limited to, the following:

(a) To determine the average daily attendance in the junior college schools pursuant to Article 5 (commencing with Section 11451) and Article 6 (commencing with Section 11501) of Chapter 3 of Division 9, to secure all district reports necessary for those purposes, including those provided for by such statutory provisions and by Sections 17601.1 and 17601.2, and to classify such average daily attendance for all purposes of Chapter 3 (commencing with Section 17601) of Division 14.

(b) To prescribe the form of, receive, and approve or disapprove all applications for apportionments to newly formed

junior college districts provided for by Article 4 (commencing with Section 17451) of Chapter 2 of Division 14.

(c) To administer and make all determinations required by Article 5 (commencing with Section 17501) and Article 6 (commencing with Section 17551) of Chapter 2 of Division 14, insofar as the same may be applicable to the maintenance of junior colleges by school districts, and to receive all reports, data, and information necessary for such purposes.

(d) To determine the amount of "federal funds" and "miscellaneous funds," as defined in Sections 17605 and 17606, received by a school district and allocable to the junior college schools maintained by the district, and to receive all reports, data, and information necessary for such purposes.

(e) To make all determinations concerning the factors constituting transportation of pupils and the current expenses for the transportation of pupils in the public junior colleges for purposes of Article 10 (commencing with Section 18051) of Chapter 3 of Division 14, and to receive all reports, data, and information necessary for such purposes.

CHAPTER 774

An act to amend Section 13727 of, and to add Sections 13723.25, and 13727.1 to, the Education Code, relating to classified employees.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 13723.25 is added to the Education Code, to read:

13723.25. Appointments may be made from other than the first two or three, as the case may be, applicants on the eligibility list when the ability to speak, read, and write a language in addition to English is a requirement of the position to be filled. The recruitment bulletin announcing the examination shall indicate the language which may be required in one or more of the positions in the class. Where such a position is to be filled, using the authority of this section, the appointment shall be made from among the highest two or three, as the case may be, applicants on the appropriate eligibility list who meet language requirements and who are ready and willing to accept the position. If there are insufficient applicants who meet the language qualifications, the commission shall certify the top applicant or applicants plus those applicants who meet the language requirements, not to exceed two or three candidates, as the case may be.

SEC. 2. Section 13727 of the Education Code is amended to read:

13727. When no eligibility list exists for a position in the classified service, an employee may receive provisional appointments which may accumulate to a total of 90 working days. A 90-calendar day interval shall then elapse during which the person will be ineligible to serve in any full-time provisional capacity. No person shall be employed in provisional capacities under a given governing board for a total of more than 126 working days in any one fiscal year, except that when no one is available on an appropriate eligibility list for a part-time position, as defined in Section 13712, successive 90 working days provisional appointments may be made to the part-time position for a total of more than 126 working days in any one fiscal year.

SEC. 3. Section 13727.1 is added to the Education Code, to read:

13727.1. The personnel commission may authorize the extension of a provisional employee's assignment for a period not to exceed 36 working days provided the following requirements are met:

(a) An examination for the class was completed during the first 90 working days of his provisional assignment.

(b) Evidence satisfactory to the personnel commission is presented indicating:

(1) That an adequate recruitment effort has been and is being made.

(2) That extension of the provisional assignment is necessary to carry on vital functions of the district.

(3) That the position cannot be satisfactorily filled by use of other employment lists or procedures.

CHAPTER 775

An act to amend Section 21746 of, and to add Section 21061 to, the Agricultural Code, relating to brand inspection.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 21061 is added to the Agricultural Code, to read:

21061. The director may make regulations which govern the brand inspection of cattle and hides at slaughterhouses. The regulations may provide for an inspection schedule at each slaughterhouse and include provision for inspection in addition to the basic inspection schedule. Additional inspection services shall be provided on a reimbursement basis at the expense of the slaughterer requesting the additional service and shall not be an added charge to the consignor or seller

of the livestock. The fees for the additional service shall be established by regulation.

SEC. 2. Section 21746 of the Agricultural Code is amended to read:

21746. The director may make regulations which govern the brand inspection of cattle at public salesyards, public stockyards and at private cattle auction sales. The regulations may provide a schedule of fees to cover the cost of inspection of cattle at such salesyards and stockyards, and private sales. In establishing the fee schedule the director shall take into consideration the brand inspection fees collected. The payment of the fees established by the director shall be the obligation of the operator of the salesyard, stockyard, or private sale and shall not be an added charge to the consignor or seller of the livestock.

SEC. 3. Revenue derived as a result of the enactment of this act shall not be available for expenditure until specifically appropriated therefor.

CHAPTER 776

An act to amend Sections 10050, 10051, 10052, 10053, and 10054 of the Business and Professions Code, relating to real estate.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 10050 of the Business and Professions Code is amended to read:

10050. There is in the Department of Investment a State Real Estate Division, the chief officer of which division is named the Real Estate Commissioner.

It shall be the principal responsibility of the commissioner to enforce all laws in this part (commencing with Section 10000) and Chapter 1 (commencing with Section 11000) of Part 2 in a manner which achieves the maximum protection for the purchasers of real property and those persons dealing with real estate licensees.

SEC. 2. Section 10051 of the Business and Professions Code is amended to read:

10051. There is a Real Estate Commission which consists of the Real Estate Commissioner and eight other members.

All members of the commission shall be appointed by the Governor.

SEC. 3. Section 10052 of the Business and Professions Code is amended to read:

10052. Members of the commission shall be appointed for a term of four years and they shall hold office until the appointment and qualification of their successors.

The terms of the members of the commission in office when this section, as amended by amendments enacted at the 1968 Regular Session of the Legislature, takes effect shall expire as follows Two members, January 15, 1969; two members, January 15, 1970; two members, including the Real Estate Commissioner, January 15, 1971; and one member, January 15, 1972. Of the two members first appointed pursuant to the amendments enacted at the 1968 Regular Session of the Legislature to this article, the term of one shall expire January 15, 1971, and of the other shall expire January 15, 1972.

The terms shall expire in the same relative order as to each member as the term for which he holds office before this section takes effect.

Vacancies from any cause shall be filled by the Governor for the unexpired term.

SEC. 4. Section 10053 of the Business and Professions Code is amended to read:

10053. The membership of the commission shall be composed of seven members, including the commissioner, each of whom shall have been for five years a real estate broker actively engaged in business as such in California; and two public members one of whom shall be qualified as an attorney and one as a public planning official.

SEC. 5. Section 10054 of the Business and Professions Code is amended to read:

10054. Four members of the commission shall be residents of the northern district of California, and four members shall be residents of the southern district of California. The commissioner shall be appointed at large. Not more than three members shall be appointed from any one county.

The northern district shall consist of all that portion of the state north of the northerly lines of the Counties of San Luis Obispo, Kern, and San Bernardino, and the southern district shall consist of all that portion of the state south of the northerly lines of these three counties.

CHAPTER 777

An act to amend Section 1193 of the Code of Civil Procedure, relating to works of improvement.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 1193 of the Code of Civil Procedure is amended to read:

1193. (a) Except one under direct contract with the owner or one performing actual labor for wages, every person who furnishes labor, service, equipment or material for which

a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the owner or reputed owner, to the original contractor or reputed contractor, and to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by this section.

(b) All persons having a direct contract with the owner, except the contractor or one performing actual labor for wages, who furnish labor, service, equipment, or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by subdivision (c) of this section.

(c) The preliminary notice referred to in subdivisions (a) and (b) above shall be given not later than 20 days after the claimant has first furnished labor, services, equipment, or materials to the jobsite and shall contain the following information:

1. A general description of the labor, service, equipment or materials furnished, or to be furnished, and if there is a construction lender, he shall be furnished with an estimate of the total price thereof in addition to the foregoing.

2 The name and address of such person furnishing such labor, services, equipment or materials.

3. The name of the person who contracted for purchase of such labor, services, equipment or materials.

4. A description of the jobsite sufficient for identification.

5. A statement that if bills are not paid in full for labor, services, equipment or materials furnished, or to be furnished, the improved property may be subject to mechanics' liens.

If an invoice for such materials contains the information required by this section, a copy of such invoice, transmitted in the manner prescribed by this section, shall be sufficient notice.

A certificated architect who has furnished services for the design of the work of improvement and who gives a preliminary notice as provided in this section not later than 20 days after the work of improvement has commenced shall be deemed to have complied with subdivisions (a) and (b) of this section with respect to architectural services furnished, or to be furnished.

(d) If labor, service equipment, or materials have been furnished to a jobsite by a person who elected not to give a preliminary notice as provided in subdivision (a) or (b), such person shall not be precluded from giving a preliminary notice not later than 20 days after furnishing other labor, service, equipment, or materials to the same jobsite; provided,

however, that such person shall be entitled to claim a lien and a notice to withhold only for such labor, service, equipment, or material furnished within 20 days prior to the service of such notice and at any time thereafter.

(e) Any agreement made or entered into by an owner whereby the owner agrees to waive the rights or privileges conferred upon him by this section shall be void and of no effect.

(f) Service of notice required under this section may be given by delivering the same to the person to be notified, personally, or by leaving it at his address or place of business with some person in charge, or by first-class mail, registered mail, or certified mail, postage prepaid, addressed to the person to whom notice is to be given, at his residence or place of business address, or at the address shown by the building permit on file with the authority issuing a building permit for the work. If the address of the person on whom notice was required to be served is not actually known, then service of such notice may be by first-class mail, registered mail, or certified mail addressed to the jobsite with the envelope setting forth the name of the owner or reputed owner, if known, or if not known, then merely "Owner," or to the person to whom a notice to withhold may be given, if known, or if not known, then to "Construction Lender," or to the original contractor, if known, or if not known, then to "General Contractor." When service is by registered or certified mail, service is complete at the time of the deposit of the registered or certified mail.

(g) A person required by this section to give notice to the owner and to an original contractor and to a person to whom a notice to withhold may be given, need give only one such notice to the owner, and to the original contractor and to the person to whom a notice to withhold may be given with respect to all materials, service, labor, or equipment he furnishes for a work of improvement, which means the entire structure or scheme of improvements as a whole, unless the same is furnished under contracts with more than one subcontractor, in which event the notice requirements must be met with respect to materials, services, labor, or equipment furnished to each such subcontractor.

If a notice contains a general description required by subdivision (a) or (b) of the materials, services, labor, or equipment furnished to the date of the notice, it is not defective because, after such date, the person giving notice furnishes materials, services, labor or equipment not within the scope of such general description.

(h) Where the cost of the work of improvement is in excess of two hundred dollars ($200), the failure of any contractor, licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, to give the notice provided for in this section constitutes grounds for disciplinary action by the Registrar of Contractors.

(i) The provisions of this section shall not apply to any public work which is subject to the notice provisions of Section 4210 of the Government Code.

SEC. 2. Section 1193 of the Code of Civil Procedure is amended to read:

1193. (a) Except one under direct contract with the owner or one performing actual labor for wages, every person who furnishes labor, service, equipment or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the owner or reputed owner, to the original contractor or reputed contractor, and to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by this section.

(b) All persons having a direct contract with the owner, except the contractor or one performing actual labor for wages, who furnish labor, service, equipment, or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by subdivision (c) of this section.

(c) The preliminary notice referred to in subdivisions (a) and (b) above shall be given not later than 20 days after the claimant has first furnished labor, services, equipment, or materials to the jobsite and shall contain the following information:

1. A general description of the labor, service, equipment or materials furnished, or to be furnished, and if there is a construction lender, he shall be furnished with an estimate of the total price thereof in addition to the foregoing.

2. The name and address of such person furnishing such labor, services, equipment or materials.

3. The name of the person who contracted for purchase of such labor, services, equipment or materials.

4. A description of the jobsite sufficient for identification.

5. A statement that if bills are not paid in full for labor, services, equipment or materials furnished, or to be furnished, the improved property may be subject to mechanics' liens.

If an invoice for such materials contains the information required by this section, a copy of such invoice, transmitted in the manner prescribed by this section, shall be sufficient notice.

A certificated architect who has furnished services for the design of the work of improvement and who gives a preliminary notice as provided in this section not later than 20 days after the work of improvement has commenced shall be deemed to have complied with subdivisions (a) and (b) of this section

with respect to architectural services furnished, or to be furnished.

(d) If labor, service, equipment, or materials have been furnished to a jobsite by a person who elected not to give a preliminary notice as provided in subdivision (a) or (b), such person shall not be precluded from giving a preliminary notice not later than 20 days after furnishing other labor, service, equipment, or materials to the same jobsite; provided, however, that such person shall be entitled to claim a lien and a notice to withhold only for such labor, service, equipment, or material furnished within 20 days prior to the service of such notice and at any time thereafter.

(e) Any agreement made or entered into by an owner whereby the owner agrees to waive the rights or privileges conferred upon him by this section shall be void and of no effect.

(f) Service of notice required under this section may be given by delivering the same to the person to be notified, personally, or by leaving it at his address or place of business with some person in charge, or by first-class mail, registered mail, or certified mail, postage prepaid, addressed to the person to whom notice is to be given, at his residence or place of business address, or at the address shown by the building permit on file with the authority issuing a building permit for the work. If the address of the person on whom notice was required to be served is not actually known, then service of such notice may be by first-class mail, registered mail, or certified mail addressed to the jobsite with the envelope setting forth the name of the owner or reputed owner, if known, or if not known, then merely "Owner," or to the person to whom a notice to withhold may be given, if known, or if not known, then to "Construction Lender," or to the original contractor, if known, or if not known, then to "General Contractor." When service is by registered or certified mail, service is complete at the time of the deposit of the registered or certified mail.

(g) A person required by this section to give notice to the owner and to an original contractor and to a person to whom a notice to withhold may be given, need give only one such notice to the owner, and to the original contractor and to the person to whom a notice to withheld may be given with respect to all materials, service, labor, or equipment he furnishes for a work of improvement, which means the entire structure or scheme of improvements as a whole, unless the same is furnished under contracts with more than one subcontractor, in which event the notice requirements must be met with respect to materials, services, labor, or equipment furnished to each such subcontractor.

If a notice contains a general description required by subdivision (a) or (b) of the materials, services, labor, or equipment furnished to the date of the notice, it is not defective because, after such date, the person giving notice furnishes

materials, services, labor or equipment not within the scope of such general description.

(h) Where the cost of the work of improvement is in excess of two hundred dollars ($200), the failure of any contractor, licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, to give the notice provided for in this section constitutes grounds for disciplinary action by the Registrar of Contractors.

(i) The provisions of this section shall not apply to any public work which is subject to the notice provisions of Section 4210 of the Government Code.

(j) Every city, county, city and county, or other governmental authority issuing building permits shall, in its application form for a building permit, provide space and a designation for the applicant to enter the name, branch designation if any, and address of the construction lender and shall keep such information on file open for public inspection during the regular business hours of the authority.

If there is no known construction lender, that fact shall be noted in such designated space. Any failure to indicate the name and address of the construction lender on such application, however, shall not relieve any person from the obligation to give to such construction lender the notice required by this section.

SEC. 3. Section 1193 of the Code of Civil Procedure is amended to read:

1193. (a) Except one under direct contract with the owner or one performing actual labor for wages, every person who furnishes labor, service, equipment or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the owner or reputed owner, to the original contractor or reputed contractor, and to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by this section.

(b) All persons having a direct contract with the owner, except the contractor or one performing actual labor for wages, who furnish labor, service, equipment, or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by subdivision (c) of this section.

(c) The preliminary notice referred to in subdivisions (a) and (b) above shall be given not later than 20 days after the claimant has first furnished labor, services, equipment, or materials to the jobsite and shall contain the following information:

1. A general description of the labor, service, equipment or materials furnished, or to be furnished, and if there is a construction lender, he shall be furnished with an estimate of the total price thereof in addition to the foregoing.

2. The name and address of such person furnishing such labor, services, equipment or materials.

3. The name of the person who contracted for purchase of such labor, services, equipment or materials.

4. A description of the jobsite sufficient for identification.

5. A statement that if bills are not paid in full for labor, services, equipment or materials furnished, or to be furnished, the improved property may be subject to mechanics' liens.

If an invoice for such materials contains the information required by this section, a copy of such invoice, transmitted in the manner prescribed by this section, shall be sufficient notice.

A certificated architect who has furnished services for the design of the work of improvement and who gives a preliminary notice as provided in this section not later than 20 days after the work of improvement has commenced shall be deemed to have complied with subdivisions (a) and (b) of this section with respect to architectural services furnished, or to be furnished.

(d) If labor, service, equipment, or materials have been furnished to a jobsite by a person who elected not to give a preliminary notice as provided in subdivision (a) or (b), such person shall not be precluded from giving a preliminary notice not later than 20 days after furnishing other labor, service, equipment, or materials to the same jobsite; provided, however, that such person shall be entitled to claim a lien and a notice to withhold only for such labor, service, equipment, or material furnished within 20 days prior to the service of such notice and at any time thereafter.

(e) Any agreement made or entered into by an owner whereby the owner agrees to waive the rights or privileges conferred upon him by this section shall be void and of no effect.

(f) Service of notice required under this section may be given by delivering the same to the person to be notified, personally, or by leaving it at his address or place of business with some person in charge, or by first-class mail, registered mail, or certified mail, postage prepaid, addressed to the person to whom notice is to be given, at his residence or place of business address, or at the address shown by the building permit on file with the authority issuing a building permit for the work. If the address of the person on whom notice was required to be served is not actually known, then service of such notice may be by first-class mail, registered mail, or certified mail addresssed to the jobsite with the envelope setting forth the name of the owner or reputed owner, if known, or if not known, then merely "Owner," or to the person to whom a notice to withhold may be given, if known, or if not known, then to "Construction Lender, or to the original contractor,

if known, or if not known, then to "General Contractor." When service is by registered or certified mail, service is complete at the time of the deposit of the registered or certified mail.

(g) A person required by this section to give notice to the owner and to an original contractor and to a person to whom a notice to withhold may be given, need give only one such notice to the owner, and to the original contractor and to the person to whom a notice to withhold may be given with respect to all materials, service, labor, or equipment he furnishes for a work of improvement, which means the entire structure or scheme of improvements as a whole, unless the same is furnished under contracts with more than one subcontractor, in which event the notice requirements must be met with respect to materials, services, labor, or equipment furnished to each such subcontractor.

If a notice contains a general description required by subdivision (a) or (b) of the materials, services, labor, or equipment furnished to the date of the notice, it is not defective because, after such date, the person giving notice furnishes materials, services, labor or equipment not within the scope of such general description.

(h) Where the contract price to be paid to any subcontractor on a particular work of improvement exceeds four hundred dollars ($400), the failure of that contractor, licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, to give the notice provided for in this section constitutes grounds for disciplinary action by the Registrar of Contractors.

(i) The provisions of this section shall not apply to any public work which is subject to the notice provisions of Section 4210 of the Government Code.

SEC. 4. Section 1193 of the Code of Civil Procedure is amended to read:

1193. (a) Except one under direct contract with the owner or one performing actual labor for wages, every person who furnishes labor, service, equipment or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the owner or reputed owner, to the original contractor or reputed contractor, and to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by this section.

(b) All persons having a direct contract with the owner, except the contractor or one performing actual labor for wages, who furnish labor, service, equipment, or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be

given to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by subdivision (c) of this section.

(c) The preliminary notice referred to in subdivisions (a) and (b) above shall be given not later than 20 days after the claimant has first furnished labor, services, equipment, or materials to the jobsite and shall contain the following information:

1. A general description of the labor, service, equipment or materials furnished, or to be furnished, and if there is a construction lender, he shall be furnished with an estimate of the total price thereof in addition to the foregoing.

2. The name and address of such person furnishing such labor, services, equipment or materials.

3. The name of the person who contracted for purchase of such labor, services, equipment or materials.

4. A description of the jobsite sufficient for identification.

5. A statement that if bills are not paid in full for labor, services, equipment or materials furnished, or to be furnished, the improved property may be subject to mechanics' liens.

If an invoice for such materials contains the information required by this section, a copy of such invoice, transmitted in the manner prescribed by this section, shall be sufficient notice.

A certificated architect who has furnished services for the design of the work of improvement and who gives a preliminary notice as provided in this section not later than 20 days after the work of improvement has commenced shall be deemed to have complied with subdivisions (a) and (b) of this section with respect to architectural services furnished, or to be furnished.

(d) If labor, service, equipment, or materials have been furnished to a jobsite by a person who elected not to give a preliminary notice as provided in subdivision (a) or (b), such person shall not be precluded from giving a preliminary notice not later than 20 days after furnishing other labor, service, equipment, or materials to the same jobsite; provided, however, that such person shall be entitled to claim a lien and a notice to withhold only for such labor, service, equipment, or material furnished within 20 days prior to the service of such notice and at any time thereafter.

(e) Any agreement made or entered into by an owner whereby the owner agrees to waive the rights or privileges conferred upon him by this section shall be void and of no effect.

(f) Service of notice required under this section may be given by delivering the same to the person to be notified, personally, or by leaving it at his address or place of business with some person in charge, or by first-class mail, registered mail, or certified mail, postage prepaid, addressed to the person to whom notice is to be given, at his residence or place of business address, or at the address shown by the building

permit on file with the authority issuing a building permit for the work. If the address of the person on whom notice was required to be served is not actually known, then service of such notice may be by first-class mail, registered mail, or certified mail addressed to the job site with the envelope setting forth the name of the owner or reputed owner, if known, or if not known, then merely "Owner," or to the person to whom a notice to withhold may be given, if known, or if not known, then to "Construction Lender," or to the original contractor, if known, or if not known, then to "General Contractor." When service is by registered or certified mail, service is complete at the time of the deposit of the registered or certified mail.

(g) A person required by this section to give notice to the owner and to an original contractor and to a person to whom a notice to withhold may be given, need give only one such notice to the owner, and to the original contractor and to the person to whom a notice to withhold may be given with respect to all materials, service, labor, or equipment he furnishes for a work of improvement, which means the entire structure or scheme of improvements as a whole, unless the same is furnished under contracts with more than one subcontractor, in which event the notice requirements must be met with respect to materials, services, labor, or equipment furnished to each such subcontractor.

If a notice contains a general description required by subdivision (a) or (b) of the materials, services, labor, or equipment furnished to the date of the notice, it is not defective because, after such date, the person giving notice furnishes materials, services, labor or equipment not within the scope of such general description.

(h) Where the contract price to be paid to any subcontractor on a particular work of improvement exceeds four hundred dollars ($400), the failure of that contractor, licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, to give the notice provided for in this section constitutes grounds for disciplinary action by the Registrar of Contractors.

(i) The provisions of this section shall not apply to any public work which is subject to the notice provisions of Section 4210 of the Government Code.

(j) Every city, county, city and county, or other governmental authority issuing building permits shall, in its application form for a building permit, provide space and a designation for the applicant to enter the name, branch designation if any, and address of the construction lender and shall keep such information on file open for public inspection during the regular business hours of the authority.

If there is no known construction lender, that fact shall be noted in such designated space. Any failure to indicate the name and address of the construction lender on such application, however, shall not relieve any person from the obligation

to give to such construction lender the notice required by this section.

SEC. 5. Section 2 of this act shall become operative only if Senate Bill No. 345 is enacted by the Legislature at its 1968 Regular Session and, as enacted, amends Section 1193 of the Code of Civil Procedure, and if Assembly Bill No. 997 is not enacted at such session or, if enacted, does not amend Section 1193, and in such case at the same time as the amendments to Section 1193, as contained in Senate Bill No. 345, become operative, in which event Sections 1, 3, 4, 6, and 7 of this act shall not be operative.

SEC. 6. Section 3 of this act shall become operative only if Assembly Bill No. 997 is enacted by the Legislature at its 1968 Regular Session and, as enacted, amends Section 1193 of the Code of Civil Procedure, and if Senate Bill No. 345 is not enacted at such session or, if enacted, does not amend Section 1193, and in such case at the same time as the amendments to Section 1193, as contained in Assembly Bill No. 997, become operative, in which event Sections 1, 2, 4, 5, and 7 of this act shall not be operative.

SEC. 7. Section 4 of this act shall become operative only if both Senate Bill No. 345 and Assembly Bill No. 997 are enacted by the Legislature at the 1968 Regular Session and if each such bill, as enacted, amends Section 1193 of the Code of Civil Procedure, and in such case at the same time as the amendments to Section 1193, as contained in Senate Bill No. 345 and Assembly Bill No. 997, become operative, in which event Sections 1, 2, 3, 5, and 6 of this act shall not be operative.

CHAPTER 778

An act to add Section 13189.5 to the Education Code, relating to teacher credential requirements.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 13189.5 is added to the Education Code, to read:

13189.5. (a) The minimum requirements for the standard credential with a specialization in elementary teaching shall include, in addition to those specified in Section 13189, two semester hours of coursework, in upper division or graduate coursework separate from instruction in other areas of study, in methods of reading instruction, including the phonics method. Such requirement may be fulfilled within two years of issuance of such credential by an in-service training program established pursuant to subdivision (b) of this section. Graduates from colleges or universities situated outside this

state and graduates in the year preceding and in the two years after the enactment of this section from California colleges or universities may complete such coursework within two years of the issuance of such credential to them.

The Trustees of California State Colleges shall require each state college to establish and offer a course in methods of reading instruction, including the phonics method.

(b) The State Board of Education shall prescribe and establish standards for an in-service training program, to include at least 60 classroom hours of instruction, which may be operated by a school district to provide equivalent training in fulfillment of the requirement of subdivision (a) of this section.

(c) This section shall not be applicable to any person who is a holder of a valid standard credential with a specialization in elementary teaching on the effective date of this section.

CHAPTER 779

An act to amend Section 16010 of the Welfare and Institutions Code, relating to child care.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 16010 of the Welfare and Institutions Code is amended to read:

16010. No license shall be transferred. Neither the location of any institution, boarding home, or other place specified in Section 16000 of this code, nor the place of performance of any service specified therein, shall be changed without the written consent of the department or of an approved or accredited inspection service. The department or approved or accredited inspection service shall consent to such a change for a reasonable period of time when the change is required because of destruction of the premises or similar emergency conditions, so long as the new location or place of performance substantially conforms to standards of sanitation, health, and hygiene adopted pursuant to this chapter.

CHAPTER 780

An act to amend Sections 26001, 26002, 26225, 26277, 26300, and 26301 of, and to add Article 3.5 (commencing with Section 26290) to Chapter 6, Part 10 of Division 11 of, the Water Code, relating to irrigation districts.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 26001 of the Water Code is amended to read:

26001. On order of the board any assessments, penalties or costs thereon, or portions thereof, shall be refunded by the treasurer if they were either:

(a) Paid more than once.

(b) Erroneously or illegally collected.

(c) Paid with respect to property not in the district and which has never been in the district.

SEC. 2. The Legislature hereby finds and declares that the amendment of Section 26001 of the Water Code by this act is necessary to provide for the proper management in a just and equitable manner of the affairs of the districts involved and thereby serves a public purpose.

SEC. 3. Section 26002 of the Water Code is amended to read:

26002. No order for a refund under this article shall be made except upon a claim both:

(a) Verified by the person who paid the assessments, penalties, or costs, his guardian, executor, or administrator.

(b) Filed within three years after the making of the payment sought to be refunded.

SEC. 3.3. Section 26225 of the Water Code is amended to read:

26225. Property sold for delinquent assessments may be redeemed within three years from the date of sale, or thereafter before a collector's deed of the property has been delivered, by payment in lawful money of the United States to the collector of the amount for which the property was sold plus a penalty of three-fourths of 1 percent per month from the date of sale until redemption, except that where the district has assigned any certificate of sale pursuant to Section 26134, such property may be redeemed within five years from the date of sale or thereafter before a collector's deed of the property has been delivered.

Where a collector's deed has been delivered to the district, the period of redemption is extended until the first bid is received for the property as provided in Section 26290.

SEC. 3.5. Section 26277 of the Water Code is amended to read:

26277. The deed made by the collector may be in substantially the following form, the blanks being filled to show the facts in each case:

Collector's Deed

_____ Irrigation District

On the _____ day of _____, 19__, the collector of _____ Irrigation District sold to _____ Irrigation District for a delinquent assessment real property situated within the district and in the County of _____, State of California, described as follows:

(Insert description)

No person has redeemed the property from the sale and the purchaser has demanded a deed to the property

Wherefore, I, the collector of _____ Irrigation District, grant to _____ all of the real property aforesaid

Witness my hand and the seal of the district this _____ day of _____, 19__.

(District Seal.)

_____

Collector of _____ Irrigation District

SEC. 4. Article 3.5 (commencing with Section 26290) is added to Chapter 6, Part 10 of Division 11 of the Water Code, to read.

Article 3.5. Redemption After Collector's Deed

26290. If a collector's deed for property sold for delinquent assessments has been delivered to the district, the district shall not sell or otherwise dispose of such property for a period of two years following the date of the deed. Thereafter, the district may sell the property, in which case it shall sell the property at a public auction upon having first given notice to the assessee by certified mail with return receipt requested and notice of the sale as prescribed by Sections 3701, 3702, and 3704 of the Revenue and Taxation Code.

If the property is to be sold and is not redeemed before the first bid is received on such property, the district shall sell the property at public auction to the highest bidder at the time and place fixed.

At any time after two years following the date of the deed, and before the property is sold, the board may determine by resolution that the property is not to be sold, thereby terminating the right to redemption, but at least 30 days before the adoption of such a resolution the district shall give notice to the assessee, with return receipt requested, of the time, date, and place of the meeting at which the resolution will be considered and state that the property may be redeemed at any time before the adoption of the resolution.

SEC. 5. Section 26300 of the Water Code is amended to read:

26300 (a) Subject to the limitations of Section 3900.5 of the Revenue and Taxation Code and Sections 26225 and 26290 and subdivision (b) a collector's deed conveys to the grantee free of all encumbrances the absolute title to the property described in it except when the land is owned by the United States or this state, in which case it is prima facie evidence of the right of possession.

(b) If the record title to minerals or to oil, gas or other hydrocarbon substances was held by one or more persons other than the owner of the land at the date of the assessment for which the property was sold, the collector's deed to the land shall not convey title to such minerals, oil, gas or other hydro-

carbon substances; provided that the minerals, oil, gas or other hydrocarbon substances so held under separate ownership shall be subject to sale for delinquent assessments assessed to the owner of such substances, in the same manner as with respect to land.

SEC. 6. Section 26301 of the Water Code is amended to read:

26301. Where property has been conveyed to a district by a collector's deed, subject to the limitations of Section 26290, the district shall have the same rights in respect to the property and its rents, issues, and profits as a private purchaser.

CHAPTER 781

An act to amend Sections 703, 712, 713, 718, 719, 720, and 721 of the Harbors and Navigation Code, relating to vessels.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 703 of the Harbors and Navigation Code is amended to read:

703. Section 700 does not apply to involuntary transfers, as upon the taking of possession by a secured party under a security agreement, or to transfers involving security interests.

SEC. 2. Section 712 of the Harbors and Navigation Code is amended to read:

712. When a security interest upon a numbered vessel is satisfied, canceled, or released by the parties thereto who are the registered owner and legal owner respectively of said vessel and thereafter within a period of ten (10) days a new security interest covering the vessel is executed between the same parties, no application for transfer of ownership by reason thereof shall be made, no new certificate of ownership or certificate of number shall be issued, and all provisions of this code relating to transfers of any title or interest in a vessel shall be deemed to have been fully complied with.

SEC. 3. Section 713 of the Harbors and Navigation Code is amended to read:

713. The transferee of a security interest in the interest of a legal owner of a numbered vessel need not make application for a transfer of ownership when the security interest arises from a pledge of a security agreement by the legal owner to the pledgee.

SEC. 4. Section 718 of the Harbors and Navigation Code is amended to read:

718. No security interest in any vessel numbered under this code, irrespective of whether such number was effected prior or subsequent to the creation of such security interest,

is perfected, until the secured party, or his successor or assignee, has deposited with the department, at its office in Sacramento, or at any other office as may be designated by the director, a properly endorsed certificate of ownership to the vessel, subject to the security interest, showing the secured party as legal owner if the vessel is then numbered under this code; or if the vessel is not so numbered, the owner shall file an initial application for number as provided for in this code, and the certificate of ownership issued under said application shall contain the name and address of the legal owner.

SEC. 5. Section 719 of the Harbors and Navigation Code is amended to read:

719. When the secured party, his successor or assignee, has deposited with the department a properly endorsed certificate of ownership showing the secured party as legal owner, or if the vessel is not numbered when the owner shall file an initial application for number as provided for in this code, and the certificate of ownership issued under said application shows said secured party as the legal owner, and said certificate of ownership is deposited with the department, the deposit constitutes perfection of the security interest.

SEC. 6. Section 720 of the Harbors and Navigation Code is amended to read:

720. Upon the deposit with the department of the certificate of ownership showing the secured party as legal owner as provided in Section 718 hereof, the department shall on its records show the secured party, his successor or assignee, as legal owner with respect to such vessel.

SEC. 7. Section 721 of the Harbors and Navigation Code is amended to read:

721. The method provided in this part for perfecting a security interest in a vessel numbered under this code is exclusive.

CHAPTER 782

An act to amend Sections 5654 and 9034 of the Welfare and Institutions Code, relating to mental health, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 5654 of the Welfare and Institutions Code is amended to read:

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 an amount specified in this section.

Where in any fiscal year expenditures for mental health services specified in this chapter are made from local funds, the total expenditures made for such 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 health 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. 2. 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 an amount specified in this section

Where in any fiscal year expenditures for mental health services specified in this chapter are made from local funds, the total expenditures made for such 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 health 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. 3. Section 2 of this act shall become operative on July 1, 1968. Section 1 of this act shall become operative on the operative date of Section 36 of Chapter 1667 of the Statutes of 1967 and upon that date Section 2 of this act is repealed.

Sections 1 and 2 of this act shall be repealed upon the operative date of Assembly Bill No. 1454 if that bill is enacted by the Legislature at its 1968 Regular Session.

SEC. 3.5. The sum of one million one hundred sixty-five thousand dollars ($1,165,000) is hereby appropriated from the General Fund for the purposes of this act.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to provide a more equitable financing of community mental health services and to facilitate an orderly transition between the previous reimbursement formula and the new one provided by this act, it is necessary that this act go into immediate effect.

CHAPTER 783

An act to add Section 6224 to the Public Resources Code, relating to payment of penalties and interest on late remittances.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 6224 is added to the Public Resources Code, to read:

6224. Any person who fails to pay to the state any rent or royalty on property under the commission's jurisdiction within the time required by any lease or agreement shall pay a penalty to the state at the rate of 6 percent per annum upon the amount due from the date on which the amount became due and payable to the state until the date of payment. The provisions hereof are in addition to any other rights or remedies of the state resulting from such failure to pay rents or royalties.

CHAPTER 784

An act to amend Sections 4219 and 4224 of, and to add Sections 4220 and 4221 to, and to repeal Sections 4220 and 4221 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 4219 of the Revenue and Taxation Code is amended to read:

4219. Election to pay delinquent taxes in installments is made by payment, in the same manner as a redemption, of 20 percent, or more, of the redemption amount. All current taxes, with penalties thereon, due or coming due in the fiscal year in which this first payment is made shall be paid before the delin-

quency date of the last installment of current taxes, except that if the election to pay delinquent taxes in installments is made on or after the delinquency date of the last installment of current taxes in any fiscal year, the current taxes, with penalties and costs thereon, shall be paid with or prior to the installment payment.

SEC. 2. Section 4220 of the Revenue and Taxation Code is repealed.

SEC. 3. Section 4220 is added to the Revenue and Taxation Code, to read.

4220. In each succeeding fiscal year the redemptioner shall pay all current taxes and penalties coming due in that fiscal year before the delinquency date of the last installment of current taxes.

SEC. 4. Section 4221 of the Revenue and Taxation Code is repealed.

SEC. 5. Section 4221 is added to the Revenue and Taxation Code, to read:

4221. In each succeeding fiscal year the redemptioner shall pay, before the delinquency date of the last installment of current taxes, the sum of the following:

(a) That amount which is computed to be not less than the difference between the amounts previously paid under the provisions of this article, excepting amounts paid as interest, and

(1) 40 percent of the redemption amount when the payment is made during or prior to the first fiscal year following the year in which election was made to pay delinquent taxes in installments.

(2) 60 percent of the redemption amount when the payment is made during or prior to the second fiscal year following the year in which election was made to pay delinquent taxes in installments.

(3) 80 percent of the redemption amount when the payment is made during or prior to the third fiscal year following the year in which election was made to pay delinquent taxes in installments.

(4) 100 percent of the redemption amount when the payment is made during or prior to the fourth fiscal year following the year in which election was made to pay delinquent taxes in installments.

(b) Interest, computed at the rate of ½ percent per month accruing on the first day of each month following the preceding payment, on the balance of the redemption amount.

Payments under this section shall be computed and paid in the same manner as a redemption, and the receipts for such payments shall show that the payments are for the use of the real estate under this plan for payment of delinquent taxes in installments.

SEC. 6. Section 4224 of the Revenue and Taxation Code is amended to read:

4224. If all payments under this article are made as prescribed and if redemption of the property is made before the

delinquency date of the last installment of current taxes in the fourth fiscal year succeeding the fiscal year when the first payment was made, the amount necessary to redeem the property, unless, under some method of redemption, a redemption may be made for a lesser amount, is the balance of the redemption amount, with interest on such balance of ½ percent accruing on the first day of each month following the last preceding payment to the date of redemption. When redemption is made under this section, no credit shall be allowed for amounts previously paid or credited.

CHAPTER 785

An act to amend Section 23.5 of the Streets and Highways Code, relating to freeways.

[Approved by Governor July 31, 1968 Filed with Secretary of State July 31, 1968]

The people of the State of California do enact as follows:

SECTION 1. Section 23.5 of the Streets and Highways Code is amended to read:

23.5. "Freeway" means a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access. If, in the judgment of the commission or the State Highway Engineer, the public interest would be advanced thereby, a freeway as defined herein may be denominated a "controlled access highway". In all other respects said "controlled access highway" shall be subject to all provisions of this code pertaining to freeways.

CHAPTER 786

An act to add Section 858 to, and to amend Section 881 of, the Education Code, relating to employment of attorneys by school districts.

[Approved by Governor July 31, 1968 Filed with Secretary of State July 31, 1968]

The people of the State of California do enact as follows:

SECTION 1. Section 858 is added to the Education Code, to read:

858. By agreement between the county board of education and county board of supervisors, in counties in which the provisions of Article 4 (commencing with Section 871) of Chapter 2 of Division 3 have become operative and in which functions and duties have been transferred from the county board of supervisors to the county board of education in accordance

with Sections 658 and 671, the county superintendent of schools may be authorized to employ an administrative adviser as part of the classified service. His compensation will be as fixed by the county board of education, and shall be paid from that part of the single budget prepared by the county board of education for which a county tax is levied pursuant to Section 20403. His duties shall be such administrative duties as are established by the county board of education and to counsel with and act as a coordinator between, the district attorney or county counsel, the county board of education, the county committee on school district organization, the personnel commission, the county superintendent of schools, and school districts which request his services. The district attorney or county counsel shall continue to have and to discharge all of the authority and duties imposed upon him by law in the schools and education fields; however, such administrative adviser may be deputized by the district attorney or county counsel, in his discretion, if such adviser is admitted to practice law in this state.

SEC. 2. Section 881 of the Education Code is amended to read:

881. Except as provided in Section 880, all expenses necessary for the county board of education, the county committee on school district organization and the county superintendent of schools to comply with the following provisions of this code are payable from the county general fund: 701, 702, 703, 704, 705, 706, 707, 751, 752, 753, 754, 801, 802, 803, 804, 805, 806, 851, 858, 1343, 1651, 1833, 1853, 1854, 1855, 2042, 2044, 2384, 2403, 2404, 2431, 2451, 2564, 2782, 2884, 2887, 3103, 3104, 3126, 3127, 3128, 3153, 3154, 3158, 3159, 3160, 5606, 6102, 6103, 6509, 6510, 6511, 9254, 10601, 12153, 12268, 12408, 12915, 13157, 13158, 13159, 13161.5, 13162, 13167, 13177, 13204, 13209, 13210, 13211, 13212, 13215, 13216, 13217, 13218, 13219, 13260, 13261, 13275, 13511, 13528, 13529, 13555, 13562, 13563, 13564, 13565, 13566, 13567, 14021, 14022, 14116, 14117, 14119, 14125, 14202, 14212, 15052, 15053, 15054, 15055, 15412, 16501, 19592, 19667, 20604, 20701, 20702, 20803, 21107, 21108, 21113, 21153, 21201, 21202, 21203, 21204, 21205, 21206, 21207, 21208, 21209, 21251, 21252, 21253, 21254, 21255, 21301, and 26301.

CHAPTER 787

An act to add Section 6085 to the Harbors and Navigation Code, relating to harbor districts.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 6085 is added to the Harbors and Navigation Code, to read:

6085. Notwithstanding any other provision in this part, the Crescent City Harbor District may borrow money and incur indebtedness under Section 6077 or under Section 6084 and may accept financial or other assistance from the state or federal government, and may expend such funds for the acquisition, construction, development, ownership, and leasing of fish processing plants and facilities, and for any other buildings, plants, equipment, aids, facilities and improvements necessary for or incident to the accommodation and promotion of commerce and fishery in the harbor district.

SEC. 2. This special act, applicable only to the Crescent City Harbor District, is necessary in order to aid and supplement the redevelopment plan of the Crescent City area and generally to aid in the recovery of this area from the disastrous effects of the tidal waves following the March 1964 Alaskan earthquake, and the problems thus created are such that a general law cannot be made applicable.

CHAPTER 788

An act to amend Section 553 of the Code of Civil Procedure, relating to attachments.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 553 of the Code of Civil Procedure is amended to read:

553. If the defendant recovers judgment against the plaintiff, and no timely motion for vacation of judgment, or for judgment notwithstanding the verdict, or for a new trial, is filed and served, and no appeal is perfected and undertaking executed and filed as provided in Section 921 of this code, any undertaking received in the action, all the proceeds of sales and money collected by the sheriff, constable, or marshal and all the property attached remaining in such officer's hands, must be delivered to the defendant or his agent, the order of attachment be discharged, and the property released therefrom; provided, that at any time after entry of judgment and before perfection of the appeal under the provisions of Section 921 of this code, upon motion of the defendant, the trial court may order an increase in the amount of the original undertaking on attachment in such amount, if any, as is justified by the detriment reasonably to be anticipated by continuing the attachment. Unless such undertaking shall be executed and filed by at least two sureties within 10 days after such order, the order of attachment shall be discharged, and the property released therefrom. The sureties may be required to justify before the court within 10 days after the

undertaking is filed and if they fail to do so, the order of attachment shall be discharged and the property released therefrom. If an order increasing the undertaking is made, the amount of the undertaking on appeal required by Section 921 of this code shall be the same as the amount fixed by the trial court in said order. Neither the pendency nor granting of a motion timely filed and served for vacation of judgment, or for judgment notwithstanding the verdict or for new trial shall continue force an attachment, unless an undertaking be executed and filed on the part of the moving party by at least two sureties that the moving party will pay all costs and damages sustained by continuing the attachment. The undertaking may be included in the undertaking specified in Section 921. If not so included, the same procedure shall apply as in case of an undertaking pursuant to Section 921.

SEC. 2. This act shall become operative only if Senate Bill No. 442 is enacted by the Legislature at its 1968 Regular Session, and in such case this act shall become operative at the same time as Senate Bill No. 442.

CHAPTER 789

An act to amend Sections 4114, 4119, 4122, and 4124 of the Corporations Code, relating to corporation merger and consolidation.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 4114 of the Corporations Code is amended to read:

4114. A copy of the agreement of merger or consolidation, certified by the Secretary of State, shall be filed (a) with the county clerk of the county in which the principal office of each constituent corporation is located, (b) with the county clerk of the county in which the principal office of the consolidated or surviving corporation is located, and (c) with the county clerk of each county in which each corporation, including the consolidated or surviving corporation, holds real property.

There shall also be recorded in the office of the recorder of every county in this state in which any real property owned by a constituent corporation is located, a certificate prescribed by the Secretary of State.

SEC. 2. Section 4119 of the Corporations Code is amended to read:

4119. If the consolidated or surviving corporation be a domestic corporation, the agreement and certificate of such corporation as well as the certificate of each constituent do-

mestic corporation shall be filed in the office of the Secretary of State and thereupon the consolidation or merger shall be effective as to any such domestic corporation. Each constituent foreign corporation which is qualified for the transaction of intrastate business in this state shall file in the office of the Secretary of State a certificate of surrender of right to transact intrastate business as provided for by Section 6700. There shall also be recorded in the office of the recorder of every county in this state in which any real property owned by a constituent corporation is located a certificate prescribed by the Secretary of State as provided for by Section 4114.

If the consolidated or surviving corporation be a foreign corporation, each constituent consolidated or merged foreign corporation which is qualified for the transaction of intrastate business in this state shall file in the office of the Secretary of State a certificate of surrender of its right to transact intrastate business as provided for by Section 6700. No filing need be made in this state by or on behalf of the surviving foreign corporation even though it be qualified for the transaction of intrastate business. Each constituent domestic corporation shall file in the office of the Secretary of State a copy of the agreement, certificate or other document filed by the consolidated or surviving foreign corporation in the state or place of its incorporation for the purpose of effecting the consolidation or merger which copy shall be certified by the public officer having official custody of the original, or, in lieu thereof, an executed counterpart of the agreement or certificate and thereupon the consolidation or merger shall be effective as to such domestic corporation. Certified copies of such agreement, certificate or other document shall be filed by each constituent domestic corporation as provided in Section 4114. There shall also be recorded in the office of the recorder of every county in this state in which any real property owned by a constituent corporation is located, a certificate prescribed by the Secretary of State as provided for by Section 4114.

SEC. 3. Section 4122 of the Corporations Code is amended to read:

4122. Whenever a foreign corporation having any real property in this state consolidates or merges with another foreign corporation pursuant to the laws of the state or place in which it was incorporated, and the laws of that state or place provide substantially that the making and filing of the agreement of consolidation or merger vests in the consolidated or surviving corporation all the real property of the constituent corporation, the filing for record, in the office of the recorder of any county in this state in which any of the real property of such constituent corporation is located, of either (a) a certificate, prescribed by the Secretary of State as provided for by Section 4114, executed by the Secretary of State or other official of the state or place pursuant to the laws of which the consolidation or merger is effected, or (b) a copy of the agreement of consolidation or merger, certified by the

Secretary of State or other official of the state or place pursuant to the laws of which the consolidation or merger is effected, shall vest in the consolidated or surviving corporation all interest of the constituent corporation in and to the real property located in that county.

SEC. 4. Section 4124 of the Corporations Code is amended to read:

4124. Any corporation existing under the laws of this state and owning all the outstanding stock of any other domestic or foreign corporation may merge such wholly owned subsidiary corporation, if the laws under which the subsidiary corporation exists permits a merger as in this section provided, by filing in the office of the Secretary of State a certificate of ownership in its name signed by its president or a vice president and its secretary or an assistant secretary which shall be verified by their affidavit stating, in effect, that the matters set forth in the certificate are true of their own knowledge. The certificate shall set forth:

(a) That it owns all the outstanding stock of the merged corporation.

(b) A copy of the resolution adopted by a majority of its board of directors to merge such other corporation and to assume all of its obligations.

(c) The time and place of the meeting of the board of directors at which said resolution was adopted and the vote by which it was adopted.

Thereupon, all of the estate, property, rights, privileges and franchises of the merged corporation shall vest in and be held and enjoyed by the parent corporation as fully as the same were before held and enjoyed by the merged corporation but subject to all liabilities and obligations of the merged corporation and the rights of all creditors thereof. The parent corporation shall not, however, thereby acquire the right to engage in any business or to exercise any right, privilege or franchise of a kind which it could not lawfully engage in or exercise under the law under which it exists. The parent corporation shall be deemed to have assumed all the liabilities and obligations of the merged corporation, and shall be liable in the same manner as if it had itself incurred such liabilities and obligations.

The parent corporation may adopt the name of the merged corporation in place of its own by appropriate provision in the resolution of merger amending its articles for that purpose but the articles may not be amended in any other respect by the certificate of merger. The resolution shall identify the article or provision being amended in the manner prescribed by Section 3631 and shall set forth in full the amended article or provision as amended.

If the merged subsidiary is a domestic corporation a copy of the certificate shall be filed in the office of the Secretary of State on behalf of the domestic subsidiary. If the merged subsidiary is a foreign corporation qualified for the transaction of

intrastate business in this state there shall be filed in the office of the Secretary of State on behalf of the foreign subsidiary a certificate of surrender of right to transact intrastate business as provided for in Section 6700. Certified copies of the certificate shall also be filed as provided in Section 4114. There shall also be recorded in the office of the recorder of every county in this state in which any real property owned by the merged subsidiary is located, a certificate prescribed by the Secretary of State as provided for by Section 4114.

No copy of the certificate shall be filed for or on behalf of a domestic subsidiary corporation unless there is also filed with the Secretary of State the certificate of satisfaction of the Franchise Tax Board that all taxes imposed upon such corporation by the Bank and Corporation Franchise Tax Act have been paid or secured.

CHAPTER 790

An act to repeal Section 21681 of the Public Utilities Code, relating to Airport Assistance Revolving Fund.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 21681 of the Public Utilities Code is repealed.

CHAPTER 791

An act to amend Section 21661 of, to add Article 2.5 (commencing with Section 21650) to Chapter 4, Part 1, Division 9, and to repeal Section 21661.1 of, the Public Utilities Code, relating to airports.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Article 2.5 (commencing with Section 21650) is added to Chapter 4, Part 1, Division 9 of the Public Utilities Code, to read:

Article 2.5. Private Airports

21650. "Airport" for the purposes of this article means a privately owned airport not open to the general public.

21650.1. An airport shall mark each of its runways with an "X" in accordance with the standards set by the Federal Aviation Administration.

21650.2. Nothing shall prevent an airport from applying for and receiving a permit pursuant to Article 3 (commencing with Section 21661) of this chapter. An airport holding such a certificate need not comply with the provisions of Section 21650.1.

SEC. 2. Section 21661 of the Public Utilities Code is amended to read:

21661. This article does not apply to airports owned or operated by the United States. To the extent necessary, the division may exempt any other class of airports, pursuant to a reasonable classification or grouping, from any rule or requirement thereof, promulgated under this article, if it finds that its application would be an undue burden on the class and is not required in the interest of public safety.

SEC. 3. Section 21661.1 of the Public Utilities Code is repealed.

CHAPTER 792

An act to amend Section 21403 of the Public Utilities Code, relating to aircraft.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 21403 of the Public Utilities Code is amended to read:

21403. (a) Flight in aircraft over the land and waters of this state is lawful, unless at altitudes below those prescribed by federal authority, or unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the land or waters of another, without his consent, is unlawful except in the case of a forced landing. The owner, lessee, or operator of the aircraft is liable, as provided by law, for damages caused by a forced landing.

(b) The landing, takeoff or taxiing of an aircraft on a public freeway, highway, road, or street is unlawful except:

(1) In the case of a forced landing; or

(2) A landing during a natural disaster or other public emergency if the landing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road, or street; or

(3) When the landing, takeoff or taxiing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road or street.

The prosecution bears the burden of proving that none of the exceptions apply to the act which is alleged to be unlawful.

(c) The right of flight in aircraft includes the right of safe access to public airports, which includes the right of flight

within the zone of approach of any public airport without restriction or hazard. The zone of approach of an airport shall conform to the specifications of Part 77 of the Federal Aviation Regulations of the Federal Aviation Administration, Department of Transportation.

CHAPTER 793

An act to add Section 13917.5 to the Health and Safety Code, relating to fire protection district finance.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 13917.5 is added to the Health and Safety Code, to read:

13917.5. The district may acquire all necessary and proper lands and facilities, or any portion thereof, by means of a plan to borrow money or by purchase on contract. The amount of indebtedness to be incurred shall not exceed an amount equal to three times the actual tax income for the fiscal year preceding the year in which the indebtedness is incurred, and all such indebtedness which is incurred on or after the effective date of this act shall be repaid in approximately equal annual installments during a period not to exceed 10 years from the date on which it is incurred and shall bear interest at a rate not exceeding 6 percent per annum payable annually or semiannually or in part annually and in part semiannually. Each such indebtedness shall be authorized by a resolution adopted by the affirmative votes of at least four-fifths of the members of the district board if the board has five members or more, and by the affirmative votes of at least two-thirds of the members if the board has less than five members, and shall be evidenced by a promissory note or contract signed by at least four-fifths of the members of the district board, if the board has five members or more, or signed by at least two-thirds of the members if the board has less than five members. At the time of making the general tax levy after incurring each such indebtedness and annually thereafter until such indebtedness is paid or until there is a sum in the treasury set apart for that purpose sufficient to meet all payments of principal and interest on such indebtedness as they become due, a tax shall be levied and collected sufficient to pay the interest on such indebtedness and such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness authorized by vote of the electors.

CHAPTER 794

An act to add Article 9 (commencing with Section 4850) to Chapter 3 of Part 3 of Division 5 of the Health and Safety Code, relating to county sanitation districts.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Article 9 (commencing with Section 4850) is added to Chapter 3 of Part 3 of Division 5 of the Health and Safety Code, to read:

Article 9. Special Zones

4850. The district board may, by resolution, establish zones within the district, or amend the boundaries of an existing zone by annexing property to or by withdrawing property from such zone.

4851. The resolution declaring the intention to form a special zone shall describe the boundaries of the proposed zone, declare that the district board finds that the area within the proposed zone will be benefited by the maintenance and operation of facilities within the zone and that the public interest and necessity demands its creation, and state the reasons therefor and the name of the proposed zone, and set the time and place for a public hearing on the question of the creation of the zone.

4852. The resolution declaring the intention to annex territory to an existing zone shall describe the boundaries of the proposed annexation, declare that the district board finds that the additional territory will be benefited by the maintenance and operation of facilities in the zone, and set the time and place for a public hearing on the question of the annexation.

4853. Notice of a hearing shall be given by publication at least once a week for two successive weeks, not more than 30 nor less than 10 days prior to the hearing in a newspaper of general circulation published within the county.

4854. Any interested person, at or before the hearing, may file with the district board a written objection to the creation of the zone or to the inclusion of his property in it. At the hearing the district board shall hear and pass upon all protests and objections. At the conclusion of the hearing, the district board may order that the zone shall be formed or the boundaries of an existing zone be amended, as described in the original resolution, or that any or all properties within such boundaries will not be benefited and shall be excluded.

4855. A copy of the resolution ordering the formation of the zone, or amending the boundaries of an existing zone, shall be filed in the office of the county assessor, and the county

assessor shall thereafter, in making the assessment roll, segregate the property included within such zone on the assessment roll under the designation contained in the resolution.

4856. The district board shall thereafter in each year, prior to the time of fixing the county tax rate, furnish to the board of supervisors a written statement of the amount of tax revenue necessary to maintain and operate any work or improvements within the zone.

4857. The board of supervisors shall fix a special tax rate and levy a special assessment tax each year upon the real property in such zone, based upon the last equalized assessment roll of the county, sufficient to pay such expenses or the portion thereof which must be paid by the zone.

4858. Any special zone may be abolished or territory withdrawn therefrom by resolution of the district board, after hearing held in the manner provided for in this article for the original creation of the zone or annexations thereto, whenever the district board finds that the area proposed for abolition or withdrawal is no longer benefited by the maintenance and operation of facilities within the zone.

CHAPTER 795

An act to add Article 9 (commencing with Section 10901) to Chapter 1 of Division 9 of the Education Code, relating to testing of pupils.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Article 9 (commencing with Section 10901) is added to Chapter 1 of Division 9 of the Education Code, to read:

Article 9. Tests

10901. No test, questionnaire, survey, or examination containing any questions about the pupil's personal beliefs or practices in sex, family life, morality and religion, or any questions about his parents', or guardians' beliefs and practices in sex, family life, morality and religion, shall be administered to any pupil in kindergarten or grade 1 through grade 12, inclusive, unless the parent or guardian of the pupil is notified in writing that such test, questionnaire, survey, or examination is to be administered and the parent or guardian of the pupil gives written permission for the pupil to take such test, questionnaire, survey, or examination.

SEC. 2. Nothing in this act shall be construed as encouraging the administration of a test, questionnaire, survey, or examination described in Section 10901 of the Education Code.

CHAPTER 796

An act to amend Section 13708 of, and to add Sections 13708.1 and 13708.2 to, the Education Code, relating to merit systems of school districts.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 13708 of the Education Code is amended to read:

13708. The governing board may authorize payment to members of the commission an amount not to exceed fifteen dollars ($15) per meeting and not to exceed seventy-five dollars ($75) per month.

SEC. 2. Section 13708.1 is added to the Education Code, to read:

13708.1. In a unified school district with an average daily attendance in excess of 400,000, the governing board may authorize payment to members of the commission an amount not to exceed fifty dollars ($50) per meeting, and not to exceed two hundred fifty dollars ($250) per month.

SEC. 3. Section 13708.2 is added to the Education Code, to read:

13708.2. In a junior college district with an average daily attendance in excess of 40,000 and which is located in a metropolitan area with a population of more than 4,000,000, the governing board may authorize payment to members of the commission an amount not to exceed thirty dollars ($30) per meeting, and not to exceed one hundred fifty dollars ($150) per month.

CHAPTER 797

An act to add Section 1012.2 to the Military and Veterans Code, relating to the Veterans' Home of California.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 1012.2 is added to the Military and Veterans Code, to read:

1012.2. Notwithstanding any other provisions of law, any member of the home who is receiving an aid and attendance allowance from the United States Veterans Administration and who has no dependents within the class as defined in Section 1035 shall pay to the home an amount equal to such allowance. One hundred percent of the moneys received by the home under this section shall be placed to the credit of the home and shall augment the current appropriation for the support of the home.

CHAPTER 798

An act to amend Sections 5550, 5551.1, 5552, 5553, 5559, and 5567 of the Welfare and Institutions Code, relating to mentally ill persons, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

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 persons who come within either or both of the following descriptions:

(a) 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.

(b) Who are gravely disabled and 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.

As used in this chapter, "gravely disabled" means a condition in which a person, as a result of mental illness, is unable to provide for his basic personal needs for food, clothing or shelter.

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. 2. Section 5551.1 of the Welfare and Institutions Code is amended 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, or that as a result of such examination he believes the person is mentally ill and because of his illness is gravely disabled, and is in need of supervision, treatment, care, or restraint.

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. 3. 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, or that he is gravely disabled, as the case may be, 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. 4. 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 For the Best Interest and Protection of _____, as a Mentally Ill Person, and Concerning _____ and _____ 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, or that he is gravely disabled, as the case may be, 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. 5. 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, or that he is gravely disabled, as the case may be, 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. 6. 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, or that he is gravely disabled, as the case may be, 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, 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 For the Best Interest and Protection of _____ as a Mentally Ill Person, and Concerning _____ and _____, 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.

*Now therefore, after examination and certificate made as aforesaid the court is satisfied and believes that _____ is of such mental condition that he is gravely disabled 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, 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. 7. This act shall remain in effect until the operative date of Section 36.5 of Chapter 1667 of the Statutes of 1967, at which time this act is repealed.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Until the operative date of the Lanterman-Petris-Short Act (Chapter 1667 of the Statutes of 1967), there will be no provision for involuntary care and treatment for mentally ill persons who are gravely disabled and cannot provide for their own personal needs. In order to allow the care and treatment

of such gravely disabled persons under the existing commitment procedures and thus preserve their health and safety until the Lanterman-Petris-Short Act becomes operative, it is necessary that this act take effect immediately.

CHAPTER 799

An act to amend Section 16175 of the Education Code, relating to exchange of school real property.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 16175 of the Education Code is amended to read:

16175. The governing board of a school district may exchange any of its real property for real property of another person. Any exchange shall be upon such terms and conditions as the parties thereto may agree and may be entered into without complying with any provisions in this code except as provided in this article.

This article shall apply only when the average daily attendance of a school district or of two or more school districts governed by governing boards of identical personnel is 400,000 or more as shown by the annual report of the county superintendent of schools for the preceding year; except that if the total acreage involved in the exchange is three acres or less, this article shall apply to any school district.

CHAPTER 800

An act to amend Section 10603 of the Education Code, relating to suspension or expulsion of pupils in the public schools.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 10603 of the Education Code is amended to read:

10603. For the protection of other pupils in the public school, the governing board of any school district may suspend or expel, and the superintendent of any school district when previously authorized by the governing board may suspend, a pupil whenever it is established to the satisfaction of the board or the superintendent, respectively, that the pupil has on school premises or elsewhere used, sold, or been in pos-

session of narcotics or other hallucinogenic drugs or substances, or has inhaled or breathed the fumes of, or ingested, any poison classified as such by Schedule "D" in Section 4160 of the Business and Professions Code.

Every sheriff or chief of police, upon the arrest of any juvenile who is in attendance in a public school for using, selling or possessing narcotics or other hallucinogenic drugs or substances, or for having inhaled or breathed the fumes of, or ingested, any poison classified as such in Section 4160 of the Business and Professions Code, shall immediately give written notice to the superintendent of the school district of attendance.

CHAPTER 801

An act to amend Sections 28126, 28130, 28131 and 28137 of the Government Code, relating to county salaries.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 28126 of the Government Code is amended to read:

28126. In a county of the 26th class the officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county, except that the following shall receive as compensation for such services the following sums:

(a) The auditor, twelve thousand dollars ($12,000) a year.

(b) The district attorney, eighteen thousand five hundred dollars ($18,500) a year. He shall not engage in private practice of law and shall devote all his time and attention during business hours to the duties of his office.

(c) Each supervisor, seven thousand two hundred dollars ($7,200) a year for all services performed by him as supervisor, member of the board of equalization, or in any other capacity, and each supervisor shall be provided transportation for all his official duties, or shall receive mileage at the rate of ten cents ($0.10) for each mile actually traveled within the county in the performance of his official duties, or in going to or from any meeting of said board when traveling by automobile, and all actual and necessary traveling expenses when traveling on county business outside the county.

(d) Grand jurors in the superior court shall receive ten dollars ($10) for each day's attendance and ten cents ($0.10) for each mile actually traveled in attending court as such jurors. Such per diem and mileage allowance shall be paid to grand jurors for attendance at meetings of committees appointed by the foreman of the grand jury and to grand jurors making

individual investigations when such investigations are authorized in writing by the foreman. Trial jurors in the superior court shall receive five dollars ($5) for the first day's attendance at court and seven dollars ($7) for each succeeding day's attendance, together with fifteen cents ($0.15) for each mile traveled in attending court as such jurors, one way only.

SEC. 2. Section 28131 of the Government Code is amended to read:

28131. In any county of the 31st class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, thirteen thousand five hundred dollars ($13.500) a year, which shall include compensation for the compilation of the annual financial report and classified annual payroll of the county.

(b) The district attorney, eighteen thousand nine hundred dollars ($18,900) a year. He shall devote full time to the duties of district attorney and shall not engage in private practice of law during his term of office.

(c) Each supervisor, eight thousand four hundred dollars ($8,400) a year and ten cents ($0.10) for each mile necessarily traveled in the performance of his official duties. The chairman of the board of supervisors may receive twenty-five cents ($0.25) a mile, one way, between his residence and the county seat, when attending at the county seat for the single purpose of counting the money in the county treasury as required by law.

(d) Trial jurors in the superior court and the justice courts shall receive five dollars ($5) for each day's attendance and ten cents ($0.10) per mile for each mile necessarily traveled in such attendance. Grand jurors shall receive six dollars ($6) for each day's attendance on regularly called grand jury meetings and ten cents ($0.10) per mile for each mile necessarily traveled in attendance on regularly called grand jury meetings and meetings of grand jury committees of which the juror is a member.

SEC. 3. Section 28130 of the Government Code is amended to read:

28130. In counties of the 30th class the following shall receive as compensation for the services required of them by law or by virtue of their office, the following sums:

1. The auditor, twelve thousand dollars ($12,000) a year.

2. The district attorney, eighteen thousand dollars ($18,000) a year and he shall not engage in private law practice during his term of office.

3. Each supervisor, seven thousand eight hundred dollars ($7,800) a year for all services performed by him as supervisor and member of the board of equalization, and the use of county automobiles in connection with the performance of official duties.

4. Grand jurors and trial jurors in the superior court in civil and criminal cases, shall receive as compensation for each

day's attendance, per day, five dollars ($5); and trial jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, twenty-five cents ($0.25); and grand jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, fifteen cents ($0.15).

If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of the 1955 amendment of this section, such increase in compensation shall nevertheless be payable to the officers designated in this section as soon as it is legally competent to do so.

SEC. 4. Section 28137 of the Government Code is amended to read:

28137. In a county of the 37th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eight thousand five hundred dollars ($8,500) a year.

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year. Effective January 1, 1966, the salary shall be fifteen thousand dollars ($15,000) a year, and he shall devote his entire time to the duties of his office and shall not engage in private practice of law during his term of office.

(c) Each supervisors shall receive seven thousand two hundred dollars ($7,200) a year, and his actual expenses while attending to the business of the county by the order of the board of supervisors and mileage at the rate of fifteen cents ($0.15) a mile one way, for traveling from his residence to the county seat to attend regular, special and adjourned sessions of the board of supervisors.

(d) Grand jurors and jurors in the superior court shall receive ten dollars ($10) for each day's attendance and fifteen cents ($0.15) for each mile actually traveled in attending court as a juror, and for attending regularly called grand jury meetings and grand jury committee meetings, one way. Mileage shall be paid for each time a regularly empaneled jury or grand jury is called in separate session.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 5. Notwithstanding Sections 28137, 28160 and 53071 of the Government Code, the salary increase granted to the board of supervisors by the amendment of Section 28126, 28130, 28131 or 28137 of the Government Code at the 1968 Regular Session of the Legislature shall not become effective as to a board of supervisors until a supervisor shall have entered upon a new term of office on such board after the effective date of this act.

CHAPTER 802

An act to add Chapter 1.5 (commencing with Section 13160) to Part 2 of Division 12 of, and to repeal Article 3 (commencing with Section 13160) of Chapter 1 of Part 2 of Division 12, of the Health and Safety Code, relating to portable fire extinguishers.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing with Section 13160) of Chapter 1 of Part 2 of Division 12 of the Health and Safety Code is repealed.

SEC. 2. Chapter 1.5 (commencing with Section 13160) is added to Part 2 of Division 12 of the Health and Safety Code, to read:

CHAPTER 1.5. PORTABLE FIRE EXTINGUISHERS

Article 1. General Provisions

13160. With the advice of the State Fire Advisory Board, the State Fire Marshal shall adopt, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, and administer such regulations and standards as he may deem necessary for the protection and preservation of life and property to control the servicing, including charging, and testing, of all portable fire extinguishers for controlling and extinguishing fires, and for controlling the sale and marketing of all such devices with respect to conformance with standards of their use, capacity, and effectiveness. In adopting such regulations, the State Fire Marshal shall consider the standards of the National Fire Protection Association.

13161. It is the legislative intention in enacting this chapter that the provisions of this chapter and the regulations and standards adopted by the State Fire Marshal pursuant to this chapter shall apply uniformly throughout the State of California and no county, city, city or county or district shall adopt or enforce any ordinance or rule or regulation regarding portable fire extinguishers which is inconsistent with the provisions of this chapter or the regulations and standards adopted by the State Fire Marshal pursuant to this chapter.

13162. No person shall market, distribute or sell any portable fire extinguisher in this state unless it meets the following requirements:

(a) It complies with regulations and standards adopted by the State Fire Marshal pursuant to Section 13160.

(b) It has been examined by and bears the label of Underwriters' Laboratories Inc. or another testing laboratory which is approved by the State Fire Marshal as qualified to test portable fire extinguishers. Any testing laboratory approved by the State Fire Marshal shall have facilities, personnel, and operating procedures equivalent to those of the Underwriters' Laboratories Inc.

(c) It does not use as an extinguishing agent any carbon tetrachloride, chlorbromomethane or methyl bromide, except that extinguishers containing carbon tetrachloride may be sold to any person who declares that the intended use is for the purpose of extinguishing fires on public utility poles.

The State Fire Marshal may grant reasonable exceptions to this subdivision when the extinguisher is intended for industrial use in places to which the public is not invited or admitted. The provisions of this section apply to the state and any political subdivision thereof.

Article 2. Licensing

13163. No person shall engage in the business of, nor perform for a fee, the servicing, charging, or testing of portable fire extinguishers without a license issued by the State Fire Marshal pursuant to this chapter expressly authorizing such person to perform such acts.

13164. Application for a license to engage in the business of, or perform for a fee, the servicing, charging, or testing of portable fire extinguishers shall be made in writing to the State Fire Marshal on forms provided by him and shall be accompanied by the fees prescribed in this chapter. A separate application for license shall be made for each separate place of business location of the applicant for license.

The application shall be signed by the applicant. If the application is made by a partnership, it shall be signed by each partner. If the application is made by a corporation or association other than a partnership, it shall be signed by the principal officer thereof and, in the case of applications by corporations, bear the seal of the corporation. The application shall also include written authorization by the applicant permitting the State Fire Marshal and any of his properly authorized employees to enter, examine and inspect any premises, building, room, or establishment used by the applicant in servicing, charging, or testing portable fire extinguishers to determine compliance with the provisions of this chapter and the regulations and standards adopted by the State Fire Marshal pursuant to Section 13160.

13165. Following receipt of the properly completed application and prescribed fees, and compliance with the provisions of this part and the regulations adopted pursuant to Section 13160, the State Fire Marshal shall issue a license.

13166. Original licenses shall be valid from the date of issuance through December 31st of the year in which issued.

Thereafter, each license shall be renewed annually and renewals thereof shall be valid from January 1st through December 31st.

13167. Application for renewal shall be made on or before November 1st of the year in which the current license expires. Application for renewal shall be made in writing on forms provided by the State Fire Marshal and shall be accompanied by the prescribed fees.

13168. The State Fire Marshal may refuse to renew any license in the same manner and for any reason that he is authorized pursuant to Article 4 (commencing with Section 13185) of this chapter to deny an original license. The applicant shall, upon such refusal, have the same rights as are granted by Article 4 of the chapter to an applicant for an original license which has been denied by the State Fire Marshal.

13169. Every licensee shall notify the State Fire Marshal at his Sacramento office in writing within 15 days of any change of his address.

13170. Any advertisement of the servicing, charging, or testing of portable fire extinguishers constitutes prima facie evidence that the premises, business, building, room, shop, store or establishment in or upon which it appears, or to which it refers, is a separate place of business location.

13171. No licensee shall conduct his licensed business or solicit business under a name other than a name or names which appears on his license.

13172. The State Fire Marshal shall without cost, annually notify the chief fire official of each local fire authority of the name, address and license number of each firm that is licensed pursuant to this chapter. Upon request, single copies of such list shall be furnished, without cost, to a licensed person.

13173. The holder of any license shall submit such license for inspection upon request of the State Fire Marshal, any of his properly authorized employees, or any local fire official.

13174. Every licensed person shall annually, within seven days of employment and within seven days of termination of employment, report to the State Fire Marshal at his Sacramento office, the name, address, and certificate of registration number, if any, of every natural person performing any act of servicing, charging, or testing portable fire extinguishers for such licensed person.

Article 3. Certificates of Registration

13175. No natural person shall service, charge, or test any portable fire extinguisher without a certificate of registration issued by the State Fire Marshal pursuant to this chapter expressly authorizing such person to perform such acts.

The provisions of this article apply to the state, the Regents of University of California, a county, city, district, public

authority, and any other political subdivision or public corporation in this state.

13175.1. The provisions of this article shall not apply to any person servicing, charging, or testing any portable fire extinguisher owned by such person when the portable fire extinguisher is not required by any statute, regulation, or ordinance, to be provided or installed.

The provisions of this section shall not prohibit the servicing, charging, or testing of portable fire extinguishers by new employees of a licensed person for a period not to exceed 90 days provided such servicing, charging or testing is conducted in the presence of and under the direct supervision of a natural person holding a valid certificate of registration.

13176. Application for a certificate of registration to service, charge, or test portable fire extinguishers shall be made in writing to the State Fire Marshal on forms provided by him and shall be accompanied by the fee prescribed in this chapter. The application shall be signed by the applicant.

13177. The State Fire Marshal shall require all applicants for a certificate of registration to take and pass a written examination which may be supplemented by practical tests when deemed necessary, to determine the applicants knowledge of servicing, charging and testing of portable fire extinguishers.

13178. Following receipt of the properly completed application and prescribed fee, and the completion of the required examination, the State Fire Marshal shall issue a certificate of registration.

13179. Original certificates of registration shall be valid from the date of issuance through December 31st of the year in which issued. Thereafter, each certificate of registration shall be renewed annually and renewals thereof shall be valid from January 1st through December 31st.

13180. Application for renewal shall be made on or before November 1st of the year in which the current certificate of registration expires. Application for renewal shall be made in writing on forms provided by the State Fire Marshal and shall be accompanied by the prescribed fee.

13181. The State Fire Marshal may refuse to renew any certificate of registration in the same manner and for any reason that he is authorized pursuant to Article 4 (commencing with Section 13185) of this chapter to deny an original certificate of registration. The applicant shall, upon such refusal, have the same rights as are granted by Article 4 of this chapter to an applicant for an original certificate of registration which has been denied by the State Fire Marshal.

13182. Every certificate of registration holder shall notify the State Fire Marshal at his Sacramento office in writing within 15 days of any change of his address.

13183. Every natural person who services, charges, or tests any portable fire extinguisher shall affix a tag to the serviced unit. Such tag shall indicate the date upon which the service

work was performed and it shall bear the signature of such natural person, and other information specified by the State Fire Marshal.

13184. The holder of a certificate of registration shall submit such certificate for inspection upon request of the State Fire Marshal, any of his properly authorized employees, or any local fire official.

Article 4. Denial, Revocation, and Suspension

13185. The issuance of a license or certificate of registration may be denied by the State Fire Marshal for any of the following reasons:

(a) The applicant is not the real person in interest.

(b) Material misrepresentation or false statement in the application.

(c) Refusal to allow inspection by the State Fire Marshal or his duly authorized employees.

(d) The applicant for a license does not have the proper or necessary facilities, including qualified personnel, to conduct the operations for which application is made.

(e) The applicant for a certificate of registration does not possess the qualifications of skill or competence to conduct the operations for which application is made as evidenced by failure to pass the examination pursuant to Article 3 (commencing with Section 13175) of this chapter.

(f) Refusal to take the examination required by Section 13177 of this chapter.

(g) The applicant has been convicted of a violation of the provisions of this chapter of the regulations adopted by the State Fire Marshal pursuant to this chapter.

13186. Within 30 days after receipt of notice of denial sent by the State Fire Marshal by registered or certified mail to the applicant's last address of record, the applicant may file with the State Fire Marshal a request for statement of issues. Such request shall not be deemed an answer to the statement of issues, a request for a hearing, or a notice of defense. Unless the State Fire Marshal files a statement of issues regarding the denial of the application within 30 days after the timely filing of such request, the license or certificate of registration shall be issued.

13187. When a statement of issues has been so filed, the State Fire Marshal may order denial pursuant to Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

13188. A license or certificate of registration may be suspended or revoked by the State Fire Marshal pursuant to Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code, for any of the following reasons:

(a) The applicant is not the real person in interest.

(b) Material misrepresentation or false statement in the application.

(c) Violation of any provision of this chapter or any regulation adopted by the State Fire Marshal pursuant to this chapter.

Article 5. Fees

13189. The original and annual renewal fee for any license or a certificate of registration issued pursuant to this chapter shall be as follows:

(a) Certificate of registration	$5
(b) A license for any person to service recharge, or inspect all type of fire extinguishers except dry chemical units	$50
(c) A license for any person to conduct hydrostatic tests of water and water chemical fire extinguishers	$50
(d) A license for any person to service, recharge, inspect or conduct hydrostatic tests of dry chemical fire extinguisher	$50
(e) A license for any person to conduct hydrostatic tests of fire extinguisher cylinders that are listed and marked in conformance with the United States Department of Transportation (I.C.C.) regulations	$50

A penalty fee equal to 50 percent of the required annual renewal license or certificate of registration fee shall be added to such fee in all cases where the fee for a renewal is not paid on or before November 1.

13190. No special fee other than that charged for an ordinary business license shall be charged for any natural person, corporation, firm, or association, by any city, county, city and county or fire protection district, for the privilege of performing acts involving servicing, charging or testing of portable fire extinguishers.

Article 6. Enforcement

13190.1. Except as provided in this article, the State Fire Marshal shall enforce in all areas of the state, the provisions of this chapter and the regulations and standards adopted by him pursuant to Section 13160.

The provisions of this chapter and the regulations and standards adopted by the State Fire Marshal pursuant to Section 13160 shall not apply to any firm or corporation not engaged in the business of servicing, charging or testing portable fire extinguishers and that maintains its own fully equipped and specially staffed fire prevention and protection department, or to any employee of any such firm or corporation while acting in the scope of his employment.

13190.2. Any governmental agency, including the state, and any city, county, district, or any other political subdi-

vision or public corporation of the state, may, in their respective areas of jurisdiction, enforce ordinances, regulations, and orders adopted by such agency relating to the number, size, and type of portable fire extinguishers required to be installed or provided. Such agencies may, in their respective areas of jurisdiction, also enforce the regulations adopted by the State Fire Marshal relating to care, maintenance, and frequency of servicing, charging, and testing of portable fire extinguishers.

Nothing in this article shall diminish the enforcement responsibility and authority conferred upon any governmental agency pursuant to any other state statute.

13190.3. Any portable fire extinguisher that is required to be installed by any statute or ordinance shall be maintained in accordance with the regulations adopted pursuant to Section 13160 of this code.

13190.4. Every person who violates any provision of this chapter or any regulation adopted by the State Fire Marshal pursuant to Section 13160 is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000), or by imprisonment for not more than six months, or by both such fine and imprisonment.

A person is guilty of a separate offense each day during which he commits, continues, or permits a violation of this chapter or of any regulation adopted pursuant to this chapter.

CHAPTER 803

An act to amend Section 6489 of the Health and Safety Code, relating to compensation of sanitary district board members.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 6489 of the Health and Safety Code is amended to read:

6489. Each of the members of the board may receive not more than forty dollars ($40) for each day of his actual attendance of the meetings of the board, such compensation to be established by order of the board and entered upon its minutes. No member of the sanitary board shall, however, receive more than one hundred twenty dollars ($120) in any calendar month. The secretary of the sanitary board shall receive compensation to be set by the sanitary district board, which compensation shall be in lieu of any other compensation to which he may be entitled by reason of attendance at the meeting or meetings of the sanitary board.

Each member of the sanitary board shall be allowed eleven cents ($0.11) per mile, without any constructive mileage, for his expenses of traveling necessarily done by automobile; and

his actual traveling expenses when he travels by public conveyance.

CHAPTER 804

An act to amend Sections 7110 and 8556 of the Business and Professions Code, relating to contractors.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 7110 of the Business and Professions Code is amended to read:

7110. Willful or deliberate disregard and violation of the building laws of the state, or of any political subdivision thereof, or of Sections 8505 or 8556 of this code, or of the safety laws or labor laws or compensation insurance laws or Unemployment Insurance Code of the state, or violation by any licensee of any provision of the Health and Safety Code or Water Code, relating to the digging, boring, or drilling of water wells constitutes a cause for disciplinary action.

SEC. 2. Section 8556 of the Business and Professions Code is amended to read:

8556. (a) Licensed contractors acting in their capacity as such, may apply wood preservatives directly on wood by brush, dip or spray method, and may remove and replace any structure or portions of a structure damaged by wood-destroying pests or organisms if such work is incidental to other work being performed on the structure involved.

This exemption does not authorize the performance of any other acts defined in Section 8505.

(b) A licensed contractor may contract for the performance of any soil treatment pest control work to eliminate, exterminate, control, or prevent infestations or infections of pests or organisms in the ground beneath or adjacent to any existing building or structure or in or upon any site upon which any building or structure is to be constructed, but the actual performance of any such work must be done by a structural pest control operator.

CHAPTER 805

An act to amend Section 17601.1 of the Education Code, relating to average daily attendance of pupils.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. 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 at-

tendance 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 100 and for the second period, the days of attendance shall be divided by 175.

(e) The days of attendance in classes for adults, continuation schools and classes, regional occupational centers and opportunity schools and classes maintained after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance in such schools and classes shall be determined for the first period by dividing the days of attendance by 100; for the second period, the days of attendance shall be divided by 175.

CHAPTER 806

An act to amend Section 28109 of the Government Code, relating to jurors.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 28109 of the Government Code is amended to read:

28109. In a county of the ninth class each supervisor shall receive as compensation for the services required of him by law or by virtue of his office fourteen thousand three hundred seventy-six dollars ($14,376) a year, and eight cents ($0.08) for each mile actually traveled when engaged in official business in the county. All other officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county.

In addition to the fee for trial jurors for attendance in any court otherwise provided for by law the board of supervisors may, by resolution, establish a parking allowance for such trial jurors for parking expense necessarily incurred by them in the performance of their duties as trial jurors. The parking allowance in civil cases shall be deposited and shall be deemed a cost of suit for all purposes and in the same manner as jury fees in such civil cases.

Each grand juror shall receive for each day's attendance, eight dollars ($8) and for each mile actually and necessarily traveled from his residence to the county seat, in going only, twenty cents ($0.20) to be allowed but once during each session the juror is required to attend. Each grand juror shall receive for each day's attendance at any committee meeting or session called by a grand jury committee chairman, five dollars ($5).

CHAPTER 807

An act to amend Section 11457 of the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 11457 of the Welfare and Institutions Code is amended to read:

11457. Fines, penalties or forfeitures imposed under Section 270d of the Penal Code shall be deposited in the general fund of the county treasury and shall not be taken into account in determining the amount of aid to be paid. Payment for child support made by or collected in any way from absent parents, will be taken into account in determining the amount of aid to be paid.

Money from absent parents for support of a needy child, when collected by or paid through any public officer or agency, shall be transmitted to the county department providing aid to be used for the support of the child. All absent parents' payments or collections available to the county department for support of the child shall be applied first to support for the calendar month following receipt by the county department, and any balance remaining shall either be applied against future needs or be treated as reimbursement for past support furnished from public assistance funds.

CHAPTER 808

An act to amend Sections 11504, 11505, and 11510 of, and to add Sections 11507.5, 11507.6, and 11507.7 to, the Government Code, relating to administrative hearings.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 11504 of the Government Code is amended to read:

11504. A hearing to determine whether a right, authority, license or privilege should be granted, issued or renewed shall be initiated by filing a statement of issues. The statement of issues shall be a written statement specifying the statutes and rules with which the respondent must show compliance by producing proof at the hearing, and in addition any particular matters which have come to the attention of the initiating party and which would authorize a denial of the agency action sought. The statement of issues shall be verified unless made by a public officer acting in his official capacity or by an employee of the agency before which the proceeding is to be held. The verification may be on information and belief. The statement of issues shall be served in the same manner as an accusation; provided, that, if the hearing is held at the request of the respondent, the provisions of Sections 11505 and 11506 shall not apply and the statement of issues together with the notice of hearing shall be delivered or mailed to the parties as provided in Section 11509. Unless a statement to respondent is served pursuant to Section 11505, a copy of Sections 11507.5, 11507.6 and 11507.7, and the name and address of the person to whom requests permitted by Section 11505 may be made, shall be served with the statement of issues.

SEC. 2. Section 11505 of the Government Code is amended to read:

11505. (a) Upon the filing of the accusation the agency shall serve a copy thereof on the respondent as provided in subdivision (c). The agency may include with the accusation any information which it deems appropriate, but it shall include a post card or other form entitled Notice of Defense which, when signed by or on behalf of the respondent and returned to the agency, will acknowledge service of the accusation and constitute a notice of defense under Section 11506. The copy of the accusation shall include or be accompanied by (1) a statement that respondent may request a hearing by filing a notice of defense as provided in Section 11506 within 15 days after service upon him of the accusation, and that failure to do so will constitute a waiver of his right to a hearing, and (2) copies of Sections 11507.5, 11507.6, and 11507.7.

(b) The statement to respondent shall be substantially in the following form:

Unless a written request for a hearing signed by or on behalf of the person named as respondent in the accompanying accusation is delivered or mailed to the agency within 15 days after the accusation was personally served on you or mailed to you, (here insert name of agency) may proceed upon the accusation without a hearing. The request for a hearing may be made by delivering or mailing the enclosed form entitled Notice of Defense, or by delivering or mailing a notice of defense as provided by Section 11506 of the Government Code to: (here insert name and address of agency).

If you desire the names and addresses of witnesses or an opportunity to inspect and copy the items mentioned in Sec-

tion 11507.6 in the possession, custody or control of the agency, you may contact: (here insert name and address of appropriate person).

(c) The accusation and all accompanying information may be sent to respondent by any means selected by the agency. But no order adversely affecting the rights of the respondent shall be made by the agency in any case unless the respondent shall have been served personally or by registered mail as provided herein, or shall have filed a notice of defense or otherwise appeared. Service may be proved in the manner authorized in civil actions. Service by registered mail shall be effective if a statute or agency rule requires respondent to file his address with the agency and to notify the agency of any change, and if a registered letter containing the accusation and accompanying material is mailed, addressed to respondent at the latest address on file with the agency.

SEC. 3. Section 11507.5 is added to the Government Code, to read:

11507.5. The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

SEC. 4. Section 11507.6 is added to the Government Code, to read:

11507.6. After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after such service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to such person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including but not limited to reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the

proceeding, to the extent that such reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person, signed or otherwise authenticated by him, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of such oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

SEC. 5. Section 11507.7 is added to the Government Code, to read:

11507.7. (a) Any party claiming his request for discovery pursuant to Section 11507.6 has not been complied with may serve and file a verified petition to compel discovery in the superior court for the county in which the administrative hearing will be held, naming as respondent the party refusing or failing to comply with Section 11507.6. The petition shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why such matter is discoverable under this section, and the ground or grounds of respondent's refusal so far as known to petitioner.

(b) The petition shall be served upon respondent party and filed within 15 days after the respondent party first evidenced his failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, whichever period is longer. If from a reading of the petition the court is satisfied that the petition sets forth good cause for relief, the court shall issue an order to show cause directed to the respondent party; otherwise the court shall enter an order denying the petition. The order to show cause shall be served upon the respondent and his attorney of record in the administrative proceeding by personal delivery or certified mail and shall be returnable no earlier than 10 days from its issuance nor later than 30 days after the filing of the petition. The respondent party shall have the right to serve and file a written answer or other response to the petition and order to show cause.

(c) The administrative proceeding shall be stayed during the pendency of the proceedings before the superior court only if the court issues an order to show cause and only if a copy of the order to show cause is filed with the Office of Administrative Procedure forthwith upon issuance thereof.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that such matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under such provisions, the court may order lodged with it such matters as are provided in subdivision (b) of Section 915 of the Evidence Code and examine such matters in accordance with the provisions thereof.

(e) The court shall decide the case on the matters examined by the court in camera, the papers filed by the parties, and such oral argument and additional evidence as the court may allow.

(f) Unless otherwise stipulated by the parties, the court shall no later than 30 days after the filing of the petition file its order denying or granting the petition, provided, however, the court may on its own motion for good cause extend such time an additional 30 days. The order of the court shall be in writing setting forth the matters or parts thereof the petitioner is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the clerk upon the parties. Where the order grants the petition in whole or in part, such order shall not become effective until 10 days after the date the order is served by the clerk. Where the order denies relief to the petitioning party, the order shall be effective on the date it is served by the clerk.

(g) The order of the superior court shall be final and not subject to review by appeal. A party aggrieved by such order, or any part thereof, may within 15 days after the service of the superior court's order serve and file in the appropriate court of appeal a petition for a writ of mandamus to compel the superior court to set aside or otherwise modify its order. Where such review is sought from an order granting discovery, the order of the trial court and the administrative proceeding shall be stayed upon the filing of the petition for writ of mandamus, provided, however, the court of appeal may dissolve or modify the stay thereafter if it is in the public interest to do so. Where such review is sought from a denial of discovery, neither the trial court's order nor the administrative proceeding shall be stayed by the court of appeal except upon a clear showing of probable error.

(h) Where the superior court finds that a party or his attorney, without substantial justification, failed or refused to comply with Section 11507.6, or, without substantial justification, filed a petition to compel discovery pursuant to this section, or, without substantial justification, failed to comply with any order of court made pursuant to this section, the court may award court costs and reasonable attorney fees to the opposing party. Nothing in this subdivision shall limit the power of the superior court to compel obedience to its orders by contempt proceedings.

SEC. 6. Section 11510 of the Government Code is amended to read:

11510. (a) Before the hearing has commenced the agency, or the assigned hearing officer, shall issue subpoenas and subpoenas duces tecum at the request of any party for attendance or production of documents at the hearing. Compliance with the provisions of Section 1985 of the Code of Civil Procedure shall be a condition precedent to the issuance of a subpoena duces tecum. After the hearing has commenced the agency itself hearing a case or a hearing officer sitting alone may issue subpoenas and subpoenas duces tecum.

(b) The process issued pursuant to subdivision (a) shall be extended to all parts of the state and shall be served in accordance with the provisions of Sections 1987 and 1988 of the Code of Civil Procedure. No witness shall be obliged to attend at a place out of the county in which he resides unless the distance be less than 150 miles from his place of residence except that the agency, upon affidavit of any party showing that the testimony of such witness is material and necessary, may endorse on the subpoena an order requiring the attendance of such witness.

(c) All witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the state or any political subdivision thereof, shall receive fees, and all witnesses appearing pursuant to subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed by law for witnesses in civil actions in a superior court. Witnesses appearing pursuant to subpoena, except the parties, who attend hearings at points so far removed from their residences as to prohibit return thereto from day to day shall be entitled in addition to fees and mileage to a per diem compensation of three dollars ($3) for expenses of subsistence for each day of actual attendance and for each day necessarily occupied in traveling to and from the hearing. Fees, mileage and expenses of subsistence shall be paid by the party at whose request the witness is subpoenaed.

CHAPTER 809

An act to amend Section 12.4 of Chapter 138, Statutes of 1964, First Extraordinary Session, relating to the disposition of oil and dry gas revenues derived from public lands payable to the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 12.4 of Chapter 138, Statutes of 1964, First Extraordinary Session, is amended to read:

Sec. 12.4. During the fiscal years 1967–1968 and 1968–1969, an aggregate amount of one million eight hundred thou-

sand dollars ($1,800,000) of the oil revenue and dry gas revenue payable to the State of California under this act those years, 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. Notwithstanding the provisions of Chapter 138, Statutes of 1964, First Extraordinary Session, during the fiscal year 1968–1969 only, the first two million dollars ($2,000,000) of the oil revenue and dry gas revenue payable to the State of California under said act that year shall be deposited in the State Water Quality Control Fund, which deposit shall be in lieu of the deposit required by Section 12.2 of said act for the fiscal year 1968–1969.

SEC. 3. The sum deposited in the State Water Quality Control Fund during the 1967–1968 and 1968–1969 fiscal years 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 re-

quires immediate action. The provisions of this act are necessary to solve this problem and to assure the maintenance of the quality of other waters of the state. It is therefore essential that this act go into immediate effect.

CHAPTER 810

An act to amend Sections 70 and 210 of, and to add Section 51.5 to, the Streets and Highways Code, relating to state highways.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 51.5 is added to the Streets and Highways Code, to read:

51.5. The State Highway Engineer shall be directly responsible to the director for all Division of Highways activities.

SEC. 2. Section 70 of the Streets and Highways Code is amended to read:

70. There is in the department the California Highway Commission, consisting of seven members. The chairman of the commission shall be selected by a majority vote of the members thereof and shall serve for one year on a calendar year basis; provided, that the first chairman selected after the effective date of the 1967 amendments to this section shall serve until January 1, 1968; and provided, further, that no member shall serve as chairman for more than two successive years. The Governor shall nominate and, with the advice and consent of the Senate, shall appoint the members of the commission. Except as provided in Section 70.1, the members shall hold office for terms of four years and until their successors are appointed and qualify. The members shall receive their actual and necessary traveling expenses incurred in the discharge of their duties. Each member of the commission shall take the oath of office prescribed for other state officers. The Director of Public Works shall not be a member of the commission but shall serve as administrative officer thereof and may act for the chairman of the commission in administrative matters. He shall prepare or cause to be prepared the agenda for all meetings of the commission and may, as necessary, call meetings of the commission. The divisions shall transmit their recommendations affecting the activities of the commission directly to the director. He shall have final authority and responsibility to make such recommendations, but he shall transmit the recommendations of the divisions to the commission along with his own. The director shall comment on all recommendations made to the commission by the divisions when he

deems the recommendation to be of major importance, or when he deems it desirable, or when requested so to do by the commission or any member thereof.

SEC. 3. Section 210 of the Streets and Highways Code is amended to read:

210. It is the purpose of this article to outline the policies of the Legislature for the guidance of the commission and the department in determining and adopting the locations for state highways as freeways, as authorized elsewhere in this code. To the end of achieving coordinated planning, there should be a complete exchange of pertinent information through conferences between representatives of the department and the governing bodies of appropriate local agencies, their technical staffs, and planning personnel from the commencement of studies leading to the adoption of the freeway location to the time of construction. Recommendations of all such local agencies and the effects of the proposed freeway location upon their activities and present and future development should be considered by the department and the commission. In addition, when sufficient information has been accumulated to permit intelligent discussion, adequately publicized public meetings shall be held so as to assure to all interested individuals, officials and civic or other groups an opportunity to become acquainted with the studies being made and to express their views with respect thereto. The director shall notify the State Office of Planning and other state agencies concerned with the growth and preservation of the state's resources in order to analyze the socioeconomic factors involved of the proposed freeway routing recommendations of the State Highway Engineer, and, if recommendations are received from the State Office of Planning or such other affected state agencies, the director shall consider such recommendations in making his freeway location recommendation to the commission. The recommendation of the director to the commission as to such freeway locations shall be publicized and an opportunity offered to local governing bodies to request public hearings by the commission itself before the commission takes final action, in which event the commission shall hold such hearings. In its consideration of a precise freeway location adoption, the commission shall have available to it the recommendations of the State Highway Engineer, and the recommendations, if made, of the State Office of Planning and of other affected state agencies and local agencies, in their original form, and shall consider such recommendations in making its decision as to the location of the freeway.

CHAPTER 811

An act to amend Section 331 of the Fish and Game Code, relating to antelope.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 331 of the Fish and Game Code is amended to read:

331. The commission may determine and fix the area or areas, the seasons and hours, the bag and possession limit, and the sex and total number of antelope (Antilocapra americana) that may be taken under such regulations as the commission may prescribe from time to time. Only a resident of the State of California possessing a valid hunting license and over the age of 16 years, who has not taken an antelope under these provisions during the 10 years immediately preceding, may obtain a license for the taking of antelope. Only one license may be issued to any one individual in any 10-year period.

The fee for the license is fifteen dollars ($15). It shall be deposited in the Fish and Game Preservation Fund and shall be expended, in addition to money budgeted for salaries of persons in the department, for the expense of enforcing the provisions of this section.

CHAPTER 812

An act to amend Section 2402.5 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 2402.5 of the Vehicle Code is amended to read:

2402.5. The commissioner shall, after he has considered motor vehicle safety standards adopted pursuant to the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C., Sec. 1381 et seq.), adopt and enforce regulations identical to such standards with respect to any motor vehicle or item of motor vehicle equipment applicable to the same aspect of performance of such vehicle or item of equipment.

Following adoption of such regulations, the commissioner may test vehicles and specific types of equipment for compliance with the federal standards. In formulating test procedures, the commissioner shall review and consider test procedures utilized for compliance with the federal standards. If such vehicle or equipment does not conform to regulations

adopted by the commissioner, no person shall sell or offer for sale any such vehicle or equipment.

As used in this section, "motor vehicle safety standard" means a minimum standard for motor vehicle performance, or motor vehicle equipment performance which is practicable, which meets the need for motor vehicle safety and which provides objective criteria. A federal motor vehicle safety standard which conflicts with an equipment provision of this code applicable to the same aspect of performance shall supersede that specific provision of this code with respect to vehicles in compliance with the federal motor vehicle safety standard that was in effect at the time of sale.

It is the intent of the Legislature that the Department of California Highway Patrol shall continue to carry out the approval of lamps, devices, and equipment as required in other sections of this code and the Department of the California Highway Patrol regulations adopted pursuant to this code, including, but not limited to, such approval of lamps, devices, and equipment on new vehicles first sold in California. Testing requirements of this code and regulations adopted pursuant thereto shall be met by the manufacturer submitting a report from a laboratory approved by the department showing compliance with this code and such regulations. The test report shall contain a description adequate for positive identification of the particular item of equipment as prescribed by the Department of the California Highway Patrol and shall state the detailed data and measurements obtained to show compliance with each test requirement.

CHAPTER 813

An act to add Chapter 5 (commencing with Section 5300) to Division 4 of the Elections Code, relating to bond elections.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 5 (commencing with Section 5300) is added to Division 4 of the Elections Code, to read:

CHAPTER 5. BOND ISSUES

5300. Notwithstanding any other provision of law, the provisions of this chapter apply to all bond issues proposed by a county, city and county, city, district or other political subdivision or by any agency, department, or board thereof, the security for which constitutes a lien on the property within the jurisdiction and the proposal for which is required to be submitted to the voters for approval.

5301. (a) In connection with each bond issue specified in Section 5300, a statement shall be mailed to the voters with the sample ballot for the bond election. The statement required by this section shall include:

(1) The best estimate from official sources of the tax rate which would be required to be levied to fund that bond issue during the first fiscal year after the first sale of the bonds based on assessed valuations available at the time of the election or a projection based on experience within the same jurisdiction or other demonstrable factors.

(2) The best estimate from official sources of the tax rate which would be required to be levied to fund that bond issue during the first fiscal year after the last sale of the bonds if the bonds are proposed to be sold in series and an estimate of the year in which that rate will apply, based on assessed valuations available at the time of the election or a projection based on experience within the same jurisdiction or other demonstrable factors.

(3) The best estimate from official sources of the highest tax rate which would be required to be levied to fund that bond issue and an estimate of the year in which that rate will apply, based on assessed valuations available at time of the election or a projection based on experience within the same jurisdiction or other demonstrable factors

(b) In addition the statement may contain any declaration of policy of the legislative or governing body of the applicable jurisdiction which proposes to utilize revenues other than ad valorem taxes for purposes of funding the bond issue and the best estimate from official sources of such revenues and the reduction in the tax rate levied to fund the bond issue resulting from such substitution of revenue.

(c) The words "tax rate" as used in this chapter means tax rate per one hundred dollars ($100) of assessed valuation on all property to be taxed to fund any bond issue described in Section 5300.

5302. All official publications and any ballot pamphlet prepared, sponsored or published by the jurisdiction which has proposed the bond issue or which is financed in whole or part by funds furnished by such jurisdiction, directed at or including a bond issue proposal shall contain a statement of the tax rate data specified in Section 5301.

5303. Failure to comply with the provisions of this chapter shall not affect the validity of any bond issue following the sale and delivery of such bonds.

5304. The Legislature declares that the essence of compliance with the provisions of this chapter is good faith in presenting to voters the most accurate available information for their use in effecting comparisons and exercising judgment in casting their ballots.

CHAPTER 814

An act to amend Sections 4565 and 4579 of, and to add Section 4579.1 to, the Public Resources Code, relating to forest practices.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 4565 of the Public Resources Code is amended to read:

4565. The appointive members of the committee shall receive no compensation for their services but shall be entitled to their actual necessary expenses incurred in the performance of their duties.

SEC. 2. Section 4579 of the Public Resources Code is amended to read:

4579. Before such action by the board notice shall be published in a newspaper of general circulation within each county of the district that amendments have been proposed and copies are available from the State Forester. Such notice shall be published once not less than 30 days prior to action by the board. In addition, either the full text of the proposed amendments or an informative summary shall be published in at least one newspaper of general circulation within the applicable forest district once not less than 30 days prior to action by the board. The content and publishing of said notice shall in all other respects comply with the provisions of Section 11423 and 11424 of the Government Code.

SEC. 3. Section 4579.1 is added to the Public Resources Code, to read:

4579.1. After publishing the notice as required by Section 4579, the board may, at a regular meeting, declare the amendments in effect. The amendments shall remain in effect unless a petition by not less than 25 timber owners in the applicable district is filed with the board within 30 days following such declaration by the board. If such a petition is filed with the board, the amendments shall be submitted to the timber owners in the applicable district for approval pursuant to the procedure provided in Section 4572 without additional publication.

CHAPTER 815

An act to add Sections 409.1, 409.2, 409.3, 409.4, 409.5 and 409.6 to the Code of Civil Procedure, relating to notice of pendency of action.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 409.1 is added to the Code of Civil Procedure, to read:

409.1. At any time after notice of pendency of an action has been recorded pursuant to Section 409 or other law, the court in which the action is pending shall, upon motion of a party to the action supported by affidavit, order that the notice be expunged, if it is shown to the satisfaction of the court, by clear and convincing proof, that:

(a) The action does not affect title to or right of possession of the real property described in the notice; or

(b) Insofar as the action affects title to or right of possession of the real property described in the notice, the party recording the notice has commenced or prosecuted the action for an improper purpose and not in good faith. Notice of motion to expunge shall be served not less than 20 days prior to the hearing. The court shall determine the matter on the affidavits and counteraffidavits on file and upon such other proof as the court may permit. Upon recordation of a certified copy of the order expunging a notice of pendency of the action in the office of the county recorder in which the notice of the pendency of the action was recorded, the notice of pendency of action shall not constitute constructive notice of any of the matters contained therein nor create any duty of inquiry in any person thereafter dealing with the property described therein.

SEC. 2. Section 409.2 is added to the Code of Civil Procedure, to read:

409.2. At any time after notice of pendency of an action has been recorded pursuant to Section 409 or other law, the court in which the action is pending may order that the notice be expunged if the moving party shall have given an undertaking of such nature, in such amount and within such time as shall be fixed by the court after notice and hearing, such undertaking to be to the effect that the moving party will indemnify the party recording the notice for all damages which he may incur if the notice is expunged and the moving party does not prevail and if the court finds that adequate relief can be secured to the party recording the notice by the giving of such undertaking. Upon recordation of a certified copy of such order in the office of the county recorder in which the notice of the pendency of the action was recorded, any purchaser or encumbrancer may thereafter deal with the property described in such notice free and clear of the effect of the action whether or not he has actual notice of the pendency of the action.

SEC. 3. Section 409.3 is added to the Code of Civil Procedure, to read:

409.3. When an order expunging a notice of pendency of the action is made pursuant to Section 409.1, the order may direct that the party recording the notice pay the reasonable attorneys' fees and costs incurred by the moving party in securing such order.

SEC. 4. Section 409.4 is added to the Code of Civil Procedure, to read:

409.4. An order granting or denying a motion to expunge a notice of pendency of action made pursuant to Section 409.1 or 409.2 shall not be appealable. When such an order is made, the party aggrieved by such order may, within the time hereinafter provided, petition the proper reviewing court to review such order by writ of mandate. Such petition for writ of mandate may be filed within 20 days after service of written notice of the order, or within such additional time not exceeding 20 days as the trial court may, within the original 20 days, allow, but in no event later than 60 days after entry of the order.

SEC. 5. Section 409.5 is added to the Code of Civil Procedure, to read:

409.5. No order expunging a notice of pendency of action made pursuant to Section 409.1 or 409.2 shall be effective, nor shall it be recorded in the office of any county recorder, until the time within which a petition for writ of mandate may be filed pursuant to Section 409.4 has expired.

SEC. 6. Section 409.6 is added to the Code of Civil Procedure, to read:

409.6. Nothing contained in Sections 409 through 409.5 shall affect or limit the liability otherwise existing of any person recording a notice of pendency of action for damages proximately caused thereby.

CHAPTER 816

An act to add Section 8135 to the Health and Safety Code, relating to cemeteries.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 8135 is added to the Health and Safety Code, to read:

8135. Notwithstanding any other provision of law, the Department of Water Resources may sell plots in any cemetery which is owned by the department on a nonendowment care basis to a relative of the third degree or less of any person buried in such cemetery.

CHAPTER 817

An act to add Section 1033.1 to the Military and Veterans Code, relating to veterans, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 1033.1 is added to the Military and Veterans Code, to read:

1033.1. The department shall pay the premiums in behalf of veterans which are required to provide coverage for such veterans under the medical assistance provisions contained in an act of Congress entitled "Social Security Amendments of 1965" (Pub. L. 89-97), from funds appropriated for the support of the home.

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 July 1, 1968, the federal government will commence withholding from checks payable to veterans in the Veterans' Home of California the amounts necessary to provide for coverage for such veterans under the medical assistance provisions contained in an act of Congress entitled "Social Security Amendments of 1965" (Pub. L. 89-97) unless other means of paying such premiums are established prior to that date. In order that the benefits afforded by this act and the federal act may be made available at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 818

An act conveying in trust certain tidelands and submerged lands in the County of Santa Cruz to the Santa Cruz Port District in furtherance of navigation and commerce and the fisheries and providing for the government, management and control thereof, and reserving rights to the state.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the Santa Cruz Port District, and to its successors, all the right, title and interest of the State of California held by said state by virtue of its sovereignty in and to the tidelands and submerged lands, whether

filled or unfilled, situated in the County of Santa Cruz, which are described as follows:

1. Parcel 1.

Beginning at the common point where the easterly boundary of Section 18, T. 11 S., R. 1 W. intersects the angle point in the easterly boundary of the City of Santa Cruz shown on that Record of Survey Map of part of "East Boundary of City of Santa Cruz" filed in Volume 32 at Page 43, Santa Cruz County Official Records; thence North 24° 25' 43" East (said bearings being rotated 1° 47' 49" clockwise from the County Plat mentioned above for the purposes of this description to conform to the basis of bearings used by the United States Corps of Engineers on their Drawing No. 83-55-1 dated 15 Dec. 1961) 496.76 feet; thence South 63° 41' 47" East 234.34 feet; thence North 27° 13' 13" East 100.00 feet; thence South 63° 41' 47" East 25.92 feet; thence South 22° 17' 01" West 736.65 feet; thence South 39° 41' 11" West 374.83 feet; thence South 87° 28' 13" West 58.08 feet; thence South 89° 28' 13" West 79.20 feet; thence North 88° 31' 47" West 226.71 feet; thence North 36° 19' 25" East 672.21 feet to the point of beginning.

2. Parcel 2.

Beginning at a point which bears North 24° 25' 43" East (said bearings being rotated 1° 47' 49" clockwise from the County Plat mentioned below for the purposes of this description to conform to the basis of bearings used by the United States Corps of Engineers on their Drawing No. 83-55-1 dated 15 Dec. 1961) 496.76 feet from the common point where the easterly boundary of Section 18, T. 11 S., R. 1 W. intersects the angle point in the easterly boundary of the City of Santa Cruz shown on that Record of Survey Map of part of "East Boundary of City of Santa Cruz," filed in Volume 32 at Page 43, Santa Cruz County Official Records; thence North 24° 25' 43" East 344.54 feet; thence South 63° 40' 59" East 298.21 feet; thence South 36° 11' 35" West 85.87 feet; thence South 27° 32' 21" West 29.77 feet; thence South 30° 33' 39" West 130.47 feet; thence North 63° 41' 47" West 25.92 feet; thence South 27° 13' 13" West 100.00 feet; thence North 63° 41' 47" West 234.34 feet to the point of beginning.

3. Parcel 3.

Beginning at a point which bears North 24° 25' 43" East (said bearings being rotated 1° 47' 49" clockwise from the County Plat mentioned below for the purposes of this description to conform to the basis of bearings used by the United States Corps of Engineers on their Drawing No. 83-55-1 dated 15 Dec. 1961) 841.30 feet from the common point where the easterly boundary of Section 18, T. 11 S., R. 1 W. intersects the angle point in the easterly boundary of the City of Santa Cruz shown on that Record of Survey Map of part of "East Boundary of City of Santa Cruz, filed in Volume

32 at Page 43, Santa Cruz County Official Records; thence North 24° 25′ 43″ East 79.04 feet; thence South 63° 43′ 52″ East 294.88 feet; thence South 27° 06′ 02″ West 29.09 feet; thence South 19° 05′ 39″ West 50.39 feet; thence North 63° 40′ 59″ West 298.21 feet to the point of beginning.

4. Parcel 4.

Beginning at a point which bears North 24° 25′ 43″ East (said bearings being rotated 1° 47′ 49″ clockwise from the County Plat mentioned below for the purposes of this description to conform to the basis of bearings used by the United State Corps of Engineers on their Drawing No. 83-55-1 dated 15 Dec. 1961) 920.34 feet from the common point where the easterly boundary of Section 18, T. 11 S., R. 1 W. intersects the angle point in the easterly boundary of the City of Santa Cruz shown on that Record of Survey Map of part of "East Boundary of City of Santa Cruz," filed in Volume 32 at page 43, Santa Cruz County Official Records; thence North 24° 25′ 43″ East 50.00 feet; thence South 63° 42′ 39″ East 305.83 feet; thence South 36° 52′ 40″ West 50.76 feet; thence North 63° 43′ 52″ West 294.88 feet to the point of beginning.

5. Parcel 5.

Beginning at a point which bears North 24° 25′ 43″ East (said bearings being rotated 1° 47′ 49″ clockwise from the County Plat mentioned below for the purposes of this description to conform to the basis of bearings used by the United States Corps of Engineers on their Drawing No. 83-55-1 dated 15 Dec. 1961) 970.34 feet from the common point where the easterly boundary of Section 18, T. 11 S., R. 1 W. intersects the angle point in the easterly boundary of the City of Santa Cruz shown on that Record of Survey Map of Part of "East Boundary of City of Santa Cruz," filed in Volume 32 at Page 43, Santa Cruz County Official Records; thence North 24° 25′ 43″ East 43.40 feet' thence North 54° 08′ 43″ East 100.73 feet; thence South 63° 42′ 39″ East 285.00 feet; thence South 36° 52′ 40″ West 134.66 feet; thence North 63° 42′ 39″ West 305.83 feet to the point of beginning.

6. Parcel 6.

Beginning at a point which bears North 24° 25′ 43″ East (said bearings being rotated 1° 47′ 49″ clockwise from the County Plat mentioned below for the purposes of this description to conform to the basis of bearings used by the United States Corps of Engineers on their Drawing No. 83-55-1 dated 15 Dec. 1961) 1013.74 feet and North 54° 08′ 43″ East 100.73 feet from the common point where the easterly boundary of Section 18, T. 11 S., R. 1 W. intersects the angle point in the easterly boundary of the City of Santa Cruz shown on that Record of Survey Map of part of "East Boundary of City of San Cruz," filed in Volume 32 at Page 43, Santa Cruz County Official Records; thence North 54°

08′ 43″ East 382.59 feet; thence North 22° 55′ 04″ East 58.15 feet; thence North 50° 40″ 04″ East 134.27 feet; thence South 63° 29′ 49″ East 80.00 feet; thence South 26° 58′ 51″ West 513.71 feet′ thence North 63° 42′ 39″ West 285.00 feet to the point of beginning.

7. Parcel 7.

Beginning at the Southwestern corner of the above mentioned land and running thence from said point of beginning South 63° 29′ 49″ East along the Southern line of said lands 156.39 feet; thence leaving said Southern line North 34° 05′ 30″ West 158.21 feet to the Western line of said lands; thence along said Western line South 22° 40′ 04″ West 31.64 feet and South 50° 40′ 04″ West 50.53 feet to the place of beginning.

8. Parcel 8.

Beginning at a point which bears North 24° 25′ 43″ East (said bearings being rotated 1° 47′ 49″ clockwise from the County Plat mentioned below for the purposes of this description to conform to the basis of bearings used by the United States Corps of Engineers on their Drawing No 83-55-1 dated 15 Dec. 1961) 1013.74 feet from the common point where the easterly boundary of Section 18, T. 11 S., R. 1 W. intersects the angle point in the easterly boundary of the City of Santa Cruz shown on that Record of Survey Map of Part of "East Boundary of City of Santa Cruz," filed in Volume 32 at Page 43, Santa Cruz County Official Records; thence North 46° 53′ 29″ West 501.89 feet. thence North 35° 26′ 10″ East 120.00 feet; thence South 52° 00′ 00″ East 220.00 feet; thence North 87° 30′ East 60.00 feet; thence North 30° 00′ 00″ East 255.00 feet; thence North 14° 30′ East 70.00 feet; thence North 10° 20′ East 110.00 feet; thence North 36° 32′ East 380.96 feet; thence South 41° 59′ 28″ East 28 86 feet; thence South 27° 41′ 53″ East 183.57 feet; thence South 22° 39′ 23″ East 182.47 feet; thence South 15° 20′ 29″ East 177.30 feet; thence South 22° 40′ 04″ West 31 64 feet; thence South 50° 40′ 04″ West 184.80 feet; thence South 2° 55′ 04″ West 58.15 feet; thence South 54° 08′ 43″ West 483.32 feet to the point of beginning.

9. Parcel 9

Beginning at a point which bears North 24° 25′ 43″ East (said bearings being rotated 1° 47′ 49″ clockwise from the County Plat mentioned below for the purposes of this description to conform to the basis of bearings used by the United States Corps of Engineers on their Drawing No. 83-55-1 dated 15 Dec. 1961) 1013.74 feet and North 46° 53′ 29″ West 359.43 feet from the common point where the easterly boundary of Section 18, T. 11 S., R. 1 W. intersects the angle point in the easterly boundary of the City of Santa Cruz shown on that Record of Survey Map of Part of "East Boundary of City of Santa Cruz," filed in Volume 32 at Page 43, Santa Cruz County Official Records; thence South 81° 52′ 26″ West 178.84

feet; thence North 30° 00′ 00″ East 143.18 feet; thence South 46° 53′ 29″ East 144.46 feet to the point of beginning

10. Parcel 10

Beginning at a point which bears North 24° 25′ 43″ East (said bearings being rotated 1° 47′ 49″ clockwise from the County Plat mentioned below for the purposes of this description to conform to the basis of bearings used by the United States Corps of Engineers on their Drawing No. 83-55-1 dated 15 Dec. 1961) 1013.74 feet and North 46° 53′ 29″ West 213.99 feet from the common point where the easterly boundary of Section 18, T. 11 S., R. 1 W. intersects the angle point in the easterly boundary of the City of Santa Cruz shown on that Record of Survey Map of part of "East Boundary of City of Santa Cruz," filed in Volume 32 at page 43, Santa Cruz County Official Records; thence South 81° 52′ 26″ West 208.88 feet; thence North 36° 24′ 44″ West 128.78 feet; thence North 81° 52′ 26″ East 178.84 feet; thence South 46° 53′ 29″ East 145.44 feet to the point of beginning

11. Parcel 11.

Beginning at a point which bears North 24° 25′ 43″ East (said bearings being rotated 1° 47′ 49″ clockwise from the County Plat mentioned below for the purposes of this description to conform to the basis of bearings used by the United States Corps of Engineers on their Drawing No. 83-55-1 dated 15 Dec. 1961) 1013.74 feet and North 46° 53′ 29″ West 135.56 feet from the common point where the easterly boundary of Section 18, T. 11 S., R. 1 W. intersects the angle point in the easterly boundary of the City of Santa Cruz shown on that Record of Survey Map of part of "East Boundary of City of Santa Cruz" filed in Volume 32 at page 43, "Santa Cruz County Official Records; thence South 81° 52′ 26″ West 225.00 feet; thence North 36° 24′ 44″ West 69.48 feet; thence North 81° 52′ 26″ East 208.88 feet; thence South 46° 53′ 29″ East 78.43 feet to the point of beginning.

12. Parcel 12.

Beginning at a point which bears North 24° 25′ 43″ East (said bearings being rotated 1° 47′ 49″ clockwise from the County Plat mentioned below for the purposes of this description to conform to the basis of bearings used by the United States Corps of Engineers on their Drawing No. 83-55-1 dated 15 Dec. 1961) 221.35 feet from the common point where the easterly boundary of Section 18, T. 11 S., R. 1 W. intersects the angle point in the easterly boundary of the City of Santa Cruz shown on that Record of Survey Map of part of "East Boundary of City of Santa Cruz," filed in Volume 32 at page 43, Santa Cruz County Official Records; thence North 88° 20′ 30″ West 322.59 feet; thence North 49° 44′ 25″ East 197.04 feet; thence North 26° 00′ 44″ East 363.85 feet; thence North 12° 51′ 51″ East 172.71 feet, thence North 7° West 150.00 feet;

thence North 81° 52′ 26″ East 225.00 feet; thence South 46° 53′ 29″ East 133.56 feet; thence South 24° 25′ 43″ West 792.39 feet to the point of beginning.

13. Parcel 13.

Beginning at a point which bears North 24° 25′ 43″ East (said bearings being rotated 1° 47′ 49″ clockwise from the County Plat mentioned below for the purposes of this description to conform to the basis of bearings used by the United States Corps of Engineers on their Drawing No. 83-55-1 dated 15 Dec. 1961) 132.75 feet from the common point where the easterly boundary of Section 18, T. 11 S., R. 1 W. intersects the angle point in the easterly boundary of the City of Santa Cruz shown on that record of Survey Map of part of "East Boundary of City of Santa Cruz" filed in Volume 32 at Page 43, Santa Cruz County Official Records; thence North 88° 20′ 39″ West 350.14 feet; thence North 38° 41′ 18″ East 102.34 feet; thence South 88° 20′ 30″ East 322.59 feet; thence South 24° 25′ 43″ West 88.60 feet to the point of beginning.

14. Parcel 14.

Beginning at a point which bears North 24° 25′ 43″ East (said bearings being rotated 1° 47′ 49″ clockwise from the County Plat mentioned below for the purposes of this description to conform to the basis of bearings used by the United States Corps of Engineers on their Drawing No. 83-55-1 dated 15 Dec. 1961) 49.51 feet from the common point where the easterly boundary of Section 18, T. 11 S., R. 1 W. intersects the angle point in the easterly boundary of the City of Santa Cruz shown on that Record of Survey Map of part of "East Boundary of City of Santa Cruz", filed in Volume 32 at Page 43, Santa Cruz County Official Records; thence North 88° 20′ 39″ West 375.82 feet; thence North 38° 41′ 18″ East 96.16 feet; thence South 88° 20′ 39″ East 350.14; thence South 24° 25′ 48″ West 83.24 feet to the point of beginning.

15. Parcel 15.

Beginning at the common point where the easterly boundary of Section 18, T. 11 S.. R. 1 W. intersects the angle point in the easterly boundary of the City of Santa Cruz shown on that Record of Survey Map of part of "East Boundary of City of Santa Cruz", filed in Volume 32 at Page 43, Santa Cruz County Official Records; thence South 36° 19′ 25″ West (said bearings being rotated 1° 47′ 49″ clockwise from the County Plat mentioned above for the purposes of this description to conform to the basis of bearings used by the United States Corps of Engineers on their Drawing No. 83-55-1 dated 15 Dec. 1961) 37.83 feet; thence North 88° 20′ 39″ West 393.06 feet; thence North 38° 41′ 18″ East 96.16 feet; thence South 88° 20′ 39″ East 375.82 feet; thence South 24° 25′ 43″ West 49.51 feet to the point of beginning.

16. Parcel 16.

Beginning at a point which bears South 36° 19′ 25″ West (said bearings being rotated 1° 47′ 49″ clockwise from the County Plat mentioned below for the purposes of this description to conform to the basis of bearings used by the United States Corps of Engineers on their Drawing No. 83-55-1 dated 15 Dec. 1961) 37.83 feet from the common point where the easterly boundary of Section 18, T. 11 S., R. 1 W. intersects the angle point in the easterly boundary of the City of Santa Cruz shown on that Record of Survey map of part of "East Boundary of City of Santa Cruz" filed in Volume 32 at Page 43, Santa Cruz County Official Records; thence South 36° 19′ 25″ West 634.38 feet; thence North 89° 49′ 35″ West 298.87 feet; thence North 28° 37′ East 81.78 feet; thence North 12° East 131.00 feet; thence North 24° 31′ 01″ East 135.21 feet; thence North 38° 41′ 18″ East 254.56 feet; thence South 88° 20′ 39″ East 393.05 feet to the point of beginning.

To be forever held by said district and by its successors in trust for the use and purposes, and upon the express conditions following, to wit:

(a) That said lands shall be used by said district and its successors for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation.

(2) For the establishment, improvement and conduct of an airport or heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(3) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, 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 1.

(4) 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.

(5) 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, cafés, restaurants, motels, hotels, apartments, residences, 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.

(b) Said district, or its successors shall not, at any time, grant, convey, give or alienate said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said district, or its successors, may grant franchises thereon for limited periods, not exceeding 66 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation.

(c) Said lands shall be improved without expense to the state; provided, however, that nothing contained in this act shall preclude expenditures for the development of said lands for any public purpose not inconsistent with commerce, navigation and fishery, by the state, or any board, agency or commission thereof, when authorized or approved by the district, nor by the district of any funds received for such purpose from the state or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the district or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The State of California shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon said lands for any vessel or other watercraft or railroad owned or operated by the State of California.

(f) There is hereby reserved to the people of the State of California the right to fish in the waters on said lands with the right of convenient access to said water over said lands for said purpose.

(g) There is hereby excepted and reserved in the State of California all deposits of minerals, including oil and gas, in said lands, and to the State of California, the right to prospect for, mine, and remove such deposits from said lands.

(h) Said lands are granted subject to the express reservation and condition that the state may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the district, 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 said 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 State Lands Commission shall, at the cost of the district, survey and monument the granted lands and record a description and plat thereof in the office of the County Recorder of Santa Cruz County.

(j) Within 10 years from the effective date of this act the granted lands shall be substantially improved by the district without expense to the state and if the State Lands Commission determines that the district has failed to improve said lands as herein required, all right, title, and interest of said district in and to all lands granted by this act shall cease and all said right, title and interest in the granted lands shall revert and rest in the state.

(k) The district shall cause to be made and filed with the Department of Finance, annually, a detailed statement of receipts and expenditures by it of all rents, revenues, issues and profits in any manner hereafter arising from the granted lands or any improvements, betterments or structures thereon.

CHAPTER 819

An act to amend Section 329 of the Probate Code, relating to admission to probate.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 329 of the Probate Code is amended to read:

329. If no one appears to contest the probate, the court may admit the will to probate on the evidence of one of the subscribing witnesses only, if the evidence shows that the will was executed in all particulars as required by law. If none of the subscribing witnesses resides in the county, but the deposition of one of them can be taken elsewhere, the court may

direct it to be taken, and may authorize a photographic copy of the will to be made and to be presented to such witness on his examination, who may be asked the same questions with respect to it and the handwriting of himself, the testator and the other witness, as would be pertinent and competent if the original will were present. If the subscribing witnesses are competent at the time of attesting the execution, their subsequent incompetency, from whatever cause, will not prevent the probate of the will, if it is otherwise satisfactorily proved. If the court is satisfied that the evidence of no subscribing witness can be procured after reasonable search or inquiry, the court may, if the will on its face conforms to all requirements of law, admit the will to probate (1) upon proof of the handwriting of the testator and of any one of the subscribing witnesses or (2) upon proof of the handwriting of the testator and receipt in evidence either of a writing incorporated in the document offered as a will bearing the purported signatures of all subscribing witnesses, or an affidavit of a person with personal knowledge of the circumstances of execution, which writing or affidavit recites facts showing the due execution of the will. The evidence of one or more of the subscribing witnesses may be received by an affidavit to which there is attached a photographic copy of the will, in any uncontested will proceedings.

CHAPTER 820

An act to amend Sections 54780, 54781, 54782, and 54784 of, and to add Section 54782.5 to, the Government Code, relating to the local agency formation commission.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 54780 of the Government Code is amended to read:

54780. There is hereby created in each county a local agency formation commission. Except as provided in Section 54781 and 54782, the commission shall consist of five members, selected as follows:

(a) Two representing the county, appointed by the board of supervisors from their own membership. The board of supervisors shall appoint a third supervisor who shall be an alternate member of the commission. He is authorized to serve and vote in place of any supervisor on the commission who is absent or who disqualifies himself from participating in a meeting of the commission.

(b) Two representing the cities in the county, each of whom shall be a city officer, appointed by the city selection committee. The city selection committee shall also designate

one alternate member who shall be appointed and serve pursuant to Section 54784.

(c) One representing the general public appointed by the other four members of the commission.

SEC. 2. Section 54781 of the Government Code is amended to read:

54781. If there is no city in the county, the commission shall consist of five members, selected as follows:

(a) Three representing the county, appointed by the board of supervisors from their own membership. The board of supervisors shall appoint a fourth supervisor who shall be an alternate member of the commission. He is authorized to serve and vote in place of any supervisor on the commission who is absent or who disqualifies himself from participating in a meeting of the commission.

(b) Two representing the general public appointed by the other three members of the commission.

SEC. 3. Section 54782 of the Government Code is amended to read:

54782. If there is only one city in the county, the commission shall consist of five members, selected as follows:

(a) Two representing the county, appointed by the board of supervisors from their own membership. The board of supervisors shall appoint a third supervisor who shall be an alternate member of the commission. He is authorized to serve and vote in place of any supervisor on the commission who is absent or who disqualifies himself from participating in a meeting of the commission.

(b) One representing the city, who shall be a city officer, appointed by the legislative body of the city. The legislative body of the city shall also designate one alternate member who shall serve and vote in the absence or disqualification of the regular appointed city representative.

(c) Two representing the general public appointed by the other three members of the commission.

SEC. 4. Section 54782.5 is added to the Government Code, to read:

54782.5. When appointing a public member pursuant to Sections 54780, 54781, or 54782, the commission may also appoint an alternate public member who shall be authorized to serve and vote in place of a regular public member who is absent or disqualifies himself from participating in a meeting of the commission.

SEC. 5. Section 54784 of the Government Code is amended to read:

54784. In each county containing two or more cities, there shall be a city selection committee consisting of the mayor of each city within such county, or, where there is no mayor, the chairman or president of the city legislative body. A majority of the members of each city selection committee shall constitute a quorum.

The city selection committee shall meet at the call of the local agency formation commission chairman, or at the request of 60 percent of the members of the city selection committee to fill vacancies in the commission.

The city selection committee shall appoint one alternate member to the commission in the same manner as it appoints a regular member. If one of the regular city members is absent from a commission meeting, or disqualifies himself from participating in a meeting, or is automatically disqualified from participating therein pursuant to this section, the alternate member is authorized to serve and vote in his place for that meeting. When the commission is considering a proposal for the annexation of territory to a city of which one of the members of the commission is an officer, the member is disqualified from participating in the proceedings of the commission with respect to the proposal and the alternate member shall serve and vote in his place for such purpose.

CHAPTER 821

An act to amend Section 74341 of, and to add Section 72602.13 to, the Government Code, relating to judges.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 74341 of the Government Code is amended to read:

74341. There shall be 22 judges.

SEC. 2. Section 72602.13 is added to the Government Code, to read:

72602.13. In addition to the number of judges prescribed by Section 72602, there shall be one additional judge for the Inglewood Municipal Court District.

CHAPTER 822

An act to add Article 6.5 (commencing with Section 28275) to Chapter 6 of Division 20 of the Education Code, relating to school district public libraries.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Article 6.5 (commencing with Section 28275) is added to Chapter 6 of Division 20 of the Education Code, to read:

Article 6.5. Library Commission

28275. A board of library trustees may appoint, by resolution or other order entered in the minutes of the board of library trustees, a library commission consisting of five members to manage and operate the library or libraries of the district Before any board of library trustees appoints a library commission as provided herein, the board of library trustees shall hold at least one public hearing on the matter of the creation of a library commission; notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code, in a newspaper designated by the board of library trustees and circulated throughout the district, and by posting of the notice in three public places in the district at least 15 days prior to the date of the public hearing.

28276. The members of the library commission shall hold office for three years from the first day of July next succeeding their appointment and until their successors are appointed and qualified, and shall serve without compensation.

28277. The members of the first commission appointed shall be so classified by the board of library trustees at the time of their appointment that the term of office of one of the members shall expire on the first day of July one year after the first day of July next succeeding his appointment, two at the end of one additional year thereafter, and two at the end of two additional years thereafter.

28278 Vacancies shall be filled by the board of library trustees by appointment for the unexpired term.

28279 Within 30 days after their first appointment, and whenever vacancies in any office may occur and are filled, the commission shall meet and organize as a commission, electing a president and a secretary from their number, after which they may transact business The commission shall meet at least once a month at such time and place as they may fix by resolution. Regular and special meetings shall be called and conducted as prescribed in Chapter 9 (commencing with Section 54950), Part 1, Division 2, Title 5 of the Government Code.

28280. A majority of the commission shall constitute a quorum for the transaction of business.

28281. The commission shall act only by resolution or motion A majority vote of the members of the commission is required on each action taken, and the vote thereon shall be recorded.

28282 The commission shall cause a proper record of its proceedings to be kept and maintained.

28283. Members of the commission may be allowed actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the commission.

28284. The commission shall do and perform any and all powers and duties authorized or required of the board of library trustees in Article 6 (commencing with Section 28251)

of this chapter with the exception of Section 28262, provided that the consent of the board of library trustees shall be necessary before the commission may dispose of property pursuant to Section 28252 and before the purchase, erection, rental, and equipment of buildings or rooms pursuant to Section 28255.

28285. Upon the receipt by the county auditor of an order of the library commission of the district, he shall issue his warrant upon the county treasurer for the amount stated in the order if sufficient funds be on deposit in the account of the district with the county treasurer.

28286. Annually, and on or before the first day of June of each and every year, the commission shall submit or cause to be submitted to the board of library trustees its proposed budget for the operating and maintaining of the library or libraries of the district for the ensuing fiscal year. The proposed budget shall include an estimate of the cost of any or all of the following:

a. Leasing of temporary quarters;

b. Purchasing of suitable real property;

c. Procuring plans and specifications, and erecting a suitable building or buildings;

d. Furnishing and equipping the library building, and fencing and ornamenting the grounds for the accommodation of the public library.

28287. The board of library trustees may dissolve the library commission created under the provisions of this article effective as of the 30th day of June next succeeding. Before taking action to dissolve a library commission, the board of library trustees shall hold at least one public hearing on the matter; notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code, in a newspaper designated by the board of library trustees and circulated throughout the district, and by posting of the notice in three public places in the district at least 15 days prior to the date of the public hearing.

CHAPTER 823

An act to amend Section 332 of the Fish and Game Code, relating to elk.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 332 of the Fish and Game Code is amended to read:

332. The commission may determine and fix the area or areas, the seasons and hours, the bag and possession limit, and

the total number of elk that may be taken under such rules and regulations as the commission may prescribe from time to time. Only a resident of the State of California over the age of 16 years and possessing a valid hunting license may obtain a license for the taking of elk.

The fee for the license may be determined by the commission but not to exceed fifty dollars ($50). The fees shall be deposited in the Fish and Game Preservation Fund and shall be expended in addition to money budgeted for salaries of the department, for the expense of enforcing the provisions of this section and the processing of the applications.

CHAPTER 824

An act to amend Sections 38231, 61843, 62414, 62415, 62416, 62521, 62522, 62712, and 62714 of, to amend the heading of Article 4 (commencing with Section 38231) of Chapter 5 of Part 3 of Division 15 of, to amend and renumber Sections 61844 and 61845 of, and to add Section 61844 to, the Agricultural Code, relating to stabilization and marketing of fluid milk and fluid cream.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 4 (commencing with Section 38231) of Chapter 5 of Part 3 of Division 15 of the Agricultural Code is amended to read:

Article 4. Evaporated Milk or Condensed Milk

SEC. 2. Section 38231 of the Agricultural Code is amended to read:

38231. Evaporated milk or condensed milk is milk from which a considerable portion of moisture has been evaporated. The standard of composition for evaporated milk or condensed milk, whether sweetened or unsweetened, shall be fixed by the director and shall conform as nearly as possible to that proclaimed and established by the United States Department of Health, Education, and Welfare or any duly constituted successor of such department.

SEC. 3. Section 61843 of the Agricultural Code is amended to read:

61843. Class 2 comprises any fluid milk, fluid skim milk, or fluid cream which is used in the manufacture of any product for which a definition and standard is prescribed in Division 15 (commencing with Section 32501) of this code, except any such product which is included in class 1, class 3 or class 4.

SEC. 4. Section 61844 of the Agricultural Code is amended and renumbered to read:

61845. Class 4 comprises all fluid milk, fluid skim milk, or fluid cream, which is used in the manufacture of butter, cheese other than cottage cheese, dried milk, dried skim milk, nonfat dry milk solids, defatted milk solids, dried buttermilk, or any product for which no definition and standards are prescribed in Division 15 (commencing with Section 32501) of this code.

SEC. 5. Section 61844 is added to the Agricultural Code, to read:

61844. Class 3 comprises all fluid milk, fluid skim milk or fluid cream which is supplied to consumers as condensed milk, condensed skim milk, evaporated skim milk, evaporated cream or clotted cream, or evaporated milk, including condensed skim milk used in the manufacture of frozen dairy products.

SEC. 6. Section 61845 of the Agricultural Code is amended and renumbered to read:

61846. If the director establishes a temporary definition and standards for any new milk product pursuant to Article 2 (commencing with Section 36631), Chapter 1, Part 3, Division 15 of this code he shall assign such new product to that class under this article which includes the most nearly comparable product as determined by the director. Any product which is required by any regulation of the director adopted pursuant to Article 2, Chapter 1, Part 3, Division 15 of this code to be made from market milk, or any components or derivatives of market milk, shall, however, be included within class 1.

SEC. 7. Section 62414 of the Agricultural Code is amended to read:

62414. In designating and prescribing, or providing methods for designating and prescribing, minimum prices to be paid by distributors to producers for class 2, class 3 or class 4 fluid milk, fluid skim milk, or fluid cream, the director may take into consideration all relevant economic factors, including, but not limited to, both of the following:

(a) The relative market values of the various products which are involved.

(b) The market price of other milk which may be used for the same purposes that are set forth in such respective classes.

SEC. 8. Section 62415 of the Agricultural Code is amended to read:

62415. A distributor shall not pay any producer less than the applicable price which is established for the usage to which the fluid milk, fluid skim milk, or fluid cream that is purchased from him is applied or any price which is lower than that which is established in the applicable stabilization and marketing plan for class 4 usage.

SEC. 9. Section 62416 of the Agricultural Code is amended to read:

62416. The prices which are established for fluid milk, fluid skim milk, and fluid cream for class 2, class 3 or class 4 usage shall be such as will return to the fluid milk

producers that supply the marketing area, after all transportation, handling, and other charges against the producers are subtracted, not less than the prices which are received for manufacturing milk, delivered at the ranch where it is produced, by the manufacturing milk producers that supply manufacturing milk to those milk products plants the manufacturing milk prices paid by which are taken into consideration in establishing the class 2, class 3 and class 4 prices in the applicable stabilization and marketing plan. The prices which are so established may, however, be lower prices than are required by this section if the director makes a written finding which is based upon evidence and testimony that is adduced at a public hearing that the establishment of such lower prices is necessary to effectuate the purposes and policies of this chapter and includes in such finding a statement of the reasons for making it. Each such finding shall be incorporated in the applicable stabilization and marketing plan.

SEC. 9.1. Section 62521 of the Agricultural Code is amended to read:

62521. Every distributor that purchases or handles fluid milk or fluid cream from producers, including the distributor's own production, if any, shall pay a fee of four mills ($0.004) per pound milk fat on all such milk fat which is used for class 1 purposes and a fee of two mills ($0.002) per pound milk fat on all such milk fat which is used for class 2 or class 3 purposes, except on such milk fat which is subject to a payment of a fee required by Section 61501 of this code.

The amount of the fee shall be paid to the director on or before the 30th day following the last day of the month in which such fluid milk or fluid cream was received.

SEC. 10. Section 62522 of the Agricultural Code is amended to read:

62522. Every distributor that is subject to the provisions of any stabilization and marketing plan made effective by this chapter, shall deduct as an assessment from payments made to producers for fluid milk, fluid cream, or both, including the distributor's own production, the sum of four mills ($0.004) per pound milk fat on all milk fat contained in fluid milk, fluid cream, or both, for all milk fat used for class 1 purposes and the sum of two mills ($0.002) per pound milk fat for all milk fat used for class 2 and class 3 purposes.

The amount of the assessments which are so deducted shall be paid to the director on or before the 30th day following the last day of the month during which such fluid milk or fluid cream was received.

SEC. 11. Section 62712 of the Agricultural Code is amended to read:

62712. (a) The director may require distributors, including cooperative associations acting as distributors, to make reports at such intervals and in such detail as he finds necessary for the operation of the pool. In conjunction with the pools authorized by this chapter, the director may require distribu-

tors to make payments into a settlement fund for fluid milk received and the director may provide for the disbursement of moneys from the settlement fund in the course of administering such pools. The director may employ a pool manager to operate each pool and may permit such pool manager to employ such other necessary personnel and incur such expenses incidental to the operation of the pool as the director finds are necessary.

Distributors who have a financial obligation to the pool resulting from the operation of the pooling plan shall pay such obligations to the pool manager each month as requested. All of such moneys shall be deposited in a bank or banks approved by the director, and shall be paid out by the pool manager to distributors who have pool credits resulting from the operation of the pooling plan. All financial operations of each pool shall be audited by the Department of Agriculture at least once annually. The director may require distributors to make such deductions from amounts due to producers as he finds are necessary to establish a reserve fund to insure prompt payment to producers.

(b) The pool manager shall effectuate the purposes of Section 62711 by designating the percentage of each price class (i.e., classes 1, 2, 3, and class 4) to be paid within each pool settlement classification (i.e., quota pool, production pool, and overproduction pool), and in so doing he shall allocate the highest usage available, first to the quota pool, next to the production pool, and last to the overproduction pool.

(c) All pool quotas initially determined pursuant to Section 62707, except as modified pursuant to Section 62709, shall be recognized and shall not in any way be diminished, and all quotas shall not hereafter be increased beyond 95 percent of the individual's production base. This 95 percent shall be designated the "equalization point."

(d) When the pool quota of every producer in a pool has reached the equalization point any additional class 1 usage shall be apportioned among producers of the adjacent pool or pools selected by the director as most appropriate for carrying out the purposes of this chapter.

SEC. 12. Section 62714 of the Agricultural Code is amended to read:

62714. After the director has established pools, each distributor shall report to the director the total production bases and total pool quotas of the producers that are shipping to the distributor and the total receipts and class 1, class 2, class 3, and class 4 usage of the distributor and any other information determined by the director as necessary to carry out the operation of the pool.

CHAPTER 825

An act to amend Sections 72640, 72645, 72646, 72647, 72704, 72704.5, 72706, 72751, 72751.1, 72751.5, 72752, 72753 and 72754 of the Government Code, relating to courts.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 72640 of the Government Code is amended to read:

72640. There shall be one marshal for all municipal courts established in judicial districts in Los Angeles County, who shall be appointed pursuant to this article and who shall receive the monthly compensation specified in Schedule 77.

SEC. 2. Section 72645 of the Government Code is amended to read:

72645. The marshal shall appoint:

(a) One assistant marshal who shall receive the monthly compensation specified in Schedule 73.

(b) One chief deputy inspector who shall receive the monthly compensation specified in Schedule 69. Upon the occurrence of a vacancy, this position shall cease to exist.

(c) One chief deputy marshal.

SEC. 3. Section 72646 of the Government Code is amended to read:

72646. The marshal shall appoint:

(a) Two inspectors, each of whom shall receive monthly compensation as provided in Schedule 67.

(b) Eleven captains, each of whom shall receive monthly compensation as provided in Schedule 59. One of the positions shall be classified as captain, legal research.

(c) Twenty-four lieutenants, each of whom shall receive monthly compensation as provided in Schedule 53.

(d) Twenty-eight sergeants, each of whom shall receive monthly compensation as provided in Schedule 47.

(e) Three hundred thirty deputies, each of whom shall receive monthly compensation as provided in Schedule 41. Appointments to such positions shall be made from civil service lists resulting from open competitive examinations and shall be at step 2 of said schedule; provided, that notwithstanding the provisions of Section 72649, deputies appointed after October 1, 1965, shall be subject to a 12-month period of probation.

SEC. 4. Section 72647 of the Government Code is amended to read:

72647. The marshal shall appoint:

(a) One senior stenographic secretary, who shall receive monthly compensation as provided in Schedule 38.

(b) Two intermediate stenographic secretaries, each of whom shall receive monthly compensation as provided in Schedule 34.

(c) One stenographer-secretary who shall receive monthly compensation as provided in Schedule 28.

(d) One senior property clerk who shall receive monthly compensation as provided in Schedule 32.

(e) Fifty deputy clerks, grade III, each of whom shall receive monthly compensation as provided in Schedule 30.

(f) Ninety deputy clerks, grade II, each of whom shall receive monthly compensation as provided in Schedule 24.

(g) Twenty-five deputy clerks, grade I, each of whom shall receive monthly compensation as provided in Schedule 18. Appointments to said positions shall be at step 4 of said schedule.

(h) Nine administrative clerks, each of whom shall receive monthly compensation as provided in Schedule 34.

(i) Such deputies who shall be keepers as may be reasonably required pursuant to law, at the fee allowed by law for keeping property.

(j) One business manager, who shall receive monthly compensation as provided in Schedule 47.

(k) One payroll clerk who shall receive monthly compensation as provided in Schedule 28.

(*l*) Two principal clerks, each of whom shall receive monthly compensation as provided in Schedule 35.

(m) One administrative assistant who shall receive monthly compensation as provided in Schedule 38.

(n) One senior administrative assistant who shall receive monthly compensation as provided in Schedule 44.

Two occupants of a position listed in this section may be assigned to additional duties as matron and during the period of such assignment shall receive compensation at the step rate of a higher numbered schedule which will increase her basic compensation by two steps.

SEC. 4.5. Section 72647 of the Government Code is amended to read:

72647. The marshal shall appoint:

(a) One senior stenographic secretary, who shall receive monthly compensation as provided in Schedule 38.

(b) Two intermediate stenographic secretaries, each of whom shall receive monthly compensation as provided in Schedule 34.

(c) One stenographer-secretary who shall receive monthly compensation as provided in Schedule 28.

(d) One senior property clerk who shall receive monthly compensation as provided in Schedule 32.

(e) Fifty deputy clerks, grade III, each of whom shall receive monthly compensation as provided in Schedule 30.

(f) Ninety deputy clerks, grade II, each of whom shall receive monthly compensation as provided in Schedule 24.

(g) Twenty-five deputy clerks, grade I, each of whom shall receive monthly compensation as provided in Schedule 18. Appointments to said positions shall be at step 4 of said schedule.

(h) Nine administrative clerks, each of whom shall receive monthly compensation as provided in Schedule 34.

(i) Thirty-eight deputies who shall be keepers, who shall be members of the civil service and retirement system as are other deputy marshals, and who shall receive the monthly compensation as provided in Schedule 36.

(j) One business manager, who shall receive monthly compensation as provided in Schedule 47.

(k) One payroll clerk who shall receive monthly compensation as provided in Schedule 28.

(*l*) Two principal clerks, each of whom shall receive monthly compensation as provided in Schedule 35.

(m) One administrative assistant who shall receive monthly compensation as provided in Schedule 38.

(n) One senior administrative assistant who shall receive monthly compensation as provided in Schedule 44.

Two occupants of a position listed in this section may be assigned to additional duties as matron and during the period of such assignment shall receive compensation at the step rate of a higher numbered schedule which will increase her basic compensation by two steps.

SEC 5. Section 72704 of the Government Code is amended to read:

72704. The clerk may also appoint:

(a) Five deputy clerks grade V, each of whom shall receive a monthly salary at a rate specified in Schedule 48.

(b) Sixty-five deputy clerks grade IV, plus one additional such deputy clerk for each judge in excess of 52 and each commissioner in excess of eight to which the court is or may become entitled by law, each of whom shall receive a monthly salary at a rate specified in Schedule 44.

(c) One deputy clerk, secretary to the presiding judge, who shall receive a monthly salary at a rate specified in Schedule 38. Appointments to said position shall be at step 3 of said schedule.

(d) Fifteen deputy clerks, judicial secretary, each of whom shall receive a monthly salary at a rate specified in Schedule 34. Appointments to said positions shall be at step 3 of said schedule.

(e) Fifty-five deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 30.

(f) One hundred ten deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 24.

(g) One hundred sixty deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 20. Appointments to such positions shall be at step 3 of the schedule.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule.

SEC. 6. Section 72704.5 of the Government Code is amended to read:

72704.5. The clerk may also appoint the following deputy clerks as needed:

(a) One EDP operations supervisor, who shall receive a monthly salary at a rate specified in Schedule 53.

(b) Three supervising key punch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 29.

(c) Three senior key punch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 26.

(d) Eighty-five key punch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 24.

(e) One EDP principal programmer analyst who shall receive a monthly salary at a rate specified in Schedule 57.

(f) Three EDP senior programmer analysts, each of whom shall receive a monthly salary at a rate specified in Schedule 54.

(g) Thirteen EDP programmer analysts, each of whom shall receive a monthly salary at a rate specified in Schedule 50.

(h) Seven EDP assistant programmer analysts, each of whom shall receive a monthly salary at a rate specified in Schedule 43. Appointments to said positions shall be at step 3 of said schedule.

(i) Six EDP supervising equipment operators, each of whom shall receive a monthly salary at a rate specified in Schedule 45.

(j) Eight EDP senior equipment operators, each of whom shall receive a monthly salary at a rate specified in Schedule 39.

(k) Twelve EDP equipment operators, each of whom shall receive a monthly salary at a rate specified in Schedule 33.

(*l*) Six EDP trainees, each of whom shall receive a monthly salary at the rate specified at step 4 of Schedule 34.

On the effective date of any amendment to the salary ordinance of Los Angeles County adjusting the salary of any position having the same classification as a court position listed in this section, the salary of such listed court position shall be adjusted an equivalent number of schedules in the salary schedule to which it is attached. If the level of compensation established by any such salary adjustment is not reflected in the salary schedule number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary schedule number. Such salary adjustments shall be effective until 90 days after adjournment of the next succeeding regular session of the Legislature.

SEC. 7. Section 72706 of the Government Code is amended to read:

72706. The judges of the municipal court shall appoint as many commissioners, not exceeding 11, as the business of the court requires. Each commissioner shall possess the same qualifications as the law requires of a judge of the court. Within the jurisdiction of the court and under the direction of the judges, each commissioner shall exercise the powers and perform the duties authorized by law to be performed by commissioners of the superior court and such additional powers and duties as may be prescribed by law. Each commissioner shall hold office at the pleasure of the judges and shall receive a monthly salary in the same sum as is paid the Court Commissioners of the Superior Court of the County of Los Angeles; provided, that if the amount of said salary is fixed under a step plan of compensation based upon tenure of service, each incumbent municipal court commissioner on the effective date of this act shall nevertheless receive a salary equal to the top step thereof. In no event shall such salary exceed the salary provided for the judges of the municipal courts. The commissioners shall be ex officio deputy clerks of the court and shall be members of any retirement system which includes attachés of the court.

SEC. 8. Section 72751 of the Government Code is amended to read:

72751. In each municipal court district having six judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 58.

The clerk may appoint:

(a) Twelve deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 20. Appointment to said positions shall be at step 3 of said schedule.

(b) Ten deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 24.

(c) Eight deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 30.

(d) Eight deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 44.

(e) One deputy clerk, judicial secretary, who shall receive a monthly salary at a rate specified in Schedule 34.

(f) One court accountant who shall receive a monthly salary at a rate specified in Schedule 45.

(g) One jury secretary who shall receive a monthly salary at a rate specified in Schedule 47.

(h) One chief clerk—civil who shall receive a monthly salary at a rate specified in Schedule 47.

(i) One chief clerk—criminal who shall receive a monthly salary at a rate specified in Schedule 47.

(j) One chief clerk—traffic who shall receive a monthly salary at a rate specified in Schedule 47.

(k) One occupant of chief clerk position as set forth in this section shall be designated by the clerk as assistant clerk and shall receive a one-step increase in compensation.

SEC. 9. Section 72751.1 of the Government Code is amended to read:

72751.1. In each municipal court district having five judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 57.

The clerk may appoint:

(a) Eleven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 20. Appointments to said positions shall be at step 3 of said schedule.

(b) Seven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 24.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 30.

(d) Seven deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 44.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 48

SEC. 10. Section 72751.5 of the Government Code is amended to read:

72751.5. In each municipal court district having four judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 57.

The clerk may appoint:

(a) Eleven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 20. Appointments to said positions shall be at step 3 of said schedule.

(b) Seven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 24.

(c) Eight deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 30.

(d) Six deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 44.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 48.

SEC. 11. Section 72752 of the Government Code is amended to read:

72752. In each municipal court district having three judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 56.

The clerk may appoint:

(a) Eleven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 20. Appointments to said positions shall be at step 3 of said schedule.

(b) Seven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 24.

(c) Seven deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 30.

(d) Five deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 44.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 48.

SEC. 12. Section 72753 of the Government Code is amended to read:

72753. In each municipal court district having two judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 56.

The clerk may appoint:

(a) Eight deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 20. Appointments to said positions shall be at step 3 of said schedule.

(b) Six deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 24.

(c) Six deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 30.

(d) Three deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 44.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 48.

SEC 13. Section 72754 of the Government Code is amended to read:

72754 In each municipal court district having one judge authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judge of the court, who shall receive a monthly salary at a rate specified in Schedule 54.

The clerk may appoint:

(a) Three deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 20. Appointments to said positions shall be at step 3 of said schedule.

(b) Two deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 24.

(c) Two deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 30.

(d) Two deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 44; provided, however, that one of such deputy clerks grade IV whose regular duties shall include the supervision of clerical personnel shall, for the duration of such assignment, receive compensation at the rate of the next higher numbered salary schedule which will increase his basic compensation by one step.

SEC. 14. Section 4.5 of this act shall become operative only if Assembly Bill No. 2011 is enacted by the Legislature at its 1968 Regular Session, and in such case at the same time as Assembly Bill No. 2011 becomes operative, at which time Section 4 of this act is repealed.

CHAPTER 826

An act to amend Section 72602.8 of the Government Code, relating to municipal court judges.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 72602.8 of the Government Code is amended to read:

72602.8. On the effective date of the 1968 amendment to this section, the number of judges prescribed by Section 72602 for the Los Angeles Municipal Court District shall be increased to a total of 58 judges.

CHAPTER 827

An act to amend Section 14904 of the Financial Code, relating to credit union loans.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 14904 of the Financial Code is amended to read:

14904. (a) No credit union shall make a loan in excess of one thousand dollars ($1,000) to any person under 18 years of age, unless such loan is secured in the manner provided for in subdivision (b) or (c) of Section 14907.

(b) No credit union shall make a loan which will result in any member being obligated to the credit union in excess of three thousand dollars ($3,000) or 10 percent of its paid-in and unimpaired capital and surplus, whichever is greater, but not to exceed ten thousand dollars ($10,000) plus the then unpledged shares, except that credit unions with assets of one million dollars ($1,000,000) or more may make loans to members resulting in the member being obligated to the credit union up to but not exceeding the amounts indicated in the following schedule:

Paid-in and unimpaired capital and surplus	Maximum obligation to credit union per member
$1,000,000 but less than $2,000,000	$12,000 plus the amount secured by shares of the credit union
$2,000,000 or more	$15,000 plus the amount secured by shares of the credit union

(c) Notwithstanding the provisions of subdivision (b), no credit union shall make loans to any one family whereby total liability of the family to the credit union would be greater than double the amount permitted by the above schedule. "Family" as used in this section shall mean persons related by blood or marriage and residing in the same household.

(d) If a loan is made for educational purposes and such loan would cause the aggregate of loans to any one family to exceed the limitations imposed by subdivision (c), such educational loan shall not be included in computing the aggregate of loans pursuant to subdivision (c), provided (1) that such educational loan is secured in accordance with subdivisions (b) or (c) of Section 14907 and (2) that the aggregate amount of such educational loan exempted by this subdivision from subdivision (c) shall not exceed ten thousand dollars ($10,000)

CHAPTER 828

An act to amend Section 71 of the Education Code, relating to instruction in the public schools.

[Approved by Governor July 31, 1968 Filed with Secretary of State July 31, 1968]

The people of the State of California do enact as follows:

SECTION 1. Section 71 of the Education Code is amended to read:

71. English shall be the basic language of instruction in all schools.

The governing board of any school district and any private school may determine when and under what circumstances instruction may be given bilingually.

It is the policy of the state to insure the mastery of English by all pupils in the schools; provided that bilingual instruction may be offered in those situations when such instruction is educationally advantageous to the pupils. Bilingual instruction is authorized to the extent that it does not interfere with the systematic, sequential, and regular instruction of all pupils in the English language.

Pupils who are proficient in English and who, by successful completion of advanced courses in a foreign language or by other means, have become fluent in that language may be instructed in classes conducted in that foreign language.

CHAPTER 829

An act to amend Section 25371 of the Government Code, relating to county property.

[Approved by Governor July 31, 1968 Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 25371 of the Government Code is amended to read:

25371. Notwithstanding any other provision of law, the board of supervisors of any county or city and county is hereby authorized and empowered to let to any person, firm or corporation, for a term not to exceed 40 years, any real property which belongs to the county or city and county; provided, that the use to which such property will be put, after construction thereon, is consistent with the use or purposes contemplated upon the original acquisition of such property or to which such property has been dedicated. Property leased pursuant to this section may be used for purposes inconsistent with

the use or purposes contemplated upon the original acquisition of such property by the county or city and county or to which such property has been dedicated if the property has belonged to the county or city and county for 10 years and such use or purposes have been abandoned.

Any instrument by which such property is let as aforesaid shall require the lessee therein to construct on the demised premises a building or buildings for the use of the county or city and county during the term thereof, shall provide that title to such building shall vest in the county or city and county at the expiration of said term and shall contain such other terms and conditions as the board of supervisors may deem to be in the best interests of the county or city and county. No county or city and county shall enter into any such contract if at the time 60 percent of the total payments which would become due from the county or city and county if all leases, including the contract to be let, entered into under the authority of this section, were to run their full term plus the total amount of county or city and county bonded indebtedness outstanding at said time exceeds the maximum bonded indebtedness of the county or city and county.

CHAPTER 830

An act to amend Sections 3051a and 3068 of the Civil Code, relating to liens.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 3051a of the Civil Code is amended to read:

3051a. That portion of any lien, as provided for in the next preceding section, in excess of three hundred dollars ($300) for any work, services, or care, or in excess of two hundred dollars ($200) for any parking or safekeeping, rendered or performed at the request of any person other than the holder of the legal title, shall be invalid, unless prior to commencing any such work, service, care, parking, or safekeeping, the person claiming such lien shall give actual notice in writing either by personal service or by registered letter addressed to the holder of the legal title to such property, if known. In the case of automobiles and trailers, the person named as legal owner in the registration certificate, shall be deemed for the purpose of this section, as the holder of the legal title and if any portion of a lien includes storage or parking charges upon automobiles or trailers for a period in excess of 60 days, the portion of the lien which accrued after the expiration of such period is invalid unless the provisions

of Sections 10650 and 10652 of the Vehicle Code have been complied with by the holder of said lien.

SEC. 2. Section 3068 of the Civil Code is amended to read:

3068. (a) Every person has a lien dependent upon possession for the compensation to which he is legally entitled for making repairs or performing labor upon, and furnishing supplies or materials for, and for the storage, repair or safekeeping of, and for the rental of trailer parking space for, any vehicle of a type subject to registration under the Vehicle Code, subject of the limitations set forth in this chapter.

(b) That portion of the lien in excess of three hundred dollars ($300) for any work or services, or in excess of two hundred dollars ($200) for any storage or safekeeping, rendered or performed at the request of any person other than the holder of the legal title, is invalid, unless prior to commencing any such work or service the person claiming the lien gives actual notice in writing either by personal service or by registered letter addressed to the legal owner named in the registration certificate, and the consent of the holder of the legal title is obtained before any such work or services are performed. If any portion of a lien includes charges for the care, storage or safekeeping of, or for the rental of trailer parking space for, a vehicle for a period in excess of 60 days, the portion of the lien which accrued after the expiration of such period is invalid unless the provisions of Sections 10650 and 10652 of the Vehicle Code have been complied with by the holder of the lien.

CHAPTER 831

An act to amend Section 40515 of the Vehicle Code, relating to warrants for arrest.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 40515 of the Vehicle Code is amended to read:

40515. (a) When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail, the magistrate shall issue and have delivered for execution a warrant for his arrest within 20 days after his failure to appear before the magistrate, or if the person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date on which he promised to appear, then, within 20 days after the delivery of the written promise to appear by the officer to a magistrate having jurisdiction over the offense.

(b) When the person violates his promise to appear before an officer authorized to receive bail other than a magistrate,

the officer shall immediately deliver to a magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer.

(c) Notwithstanding subdivision (a), if the person signing a written promise to appear before a magistrate or other officer authorized to accept bail is a resident of another state, and such person fails to appear within the time specified in this section, the magistrate having jurisdiction may issue and have delivered for execution a warrant for his arrest.

CHAPTER 832

An act to amend Sections 793 and 794 of the Public Utilities Code, relating to books, records and accounts.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 793 of the Public Utilities Code is amended to read:

793. The system of accounts and the forms of accounts, records, and memoranda prescribed by the commission for corporations subject to the regulatory authority of the United States, shall not be inconsistent with the systems and forms from time to time established for such corporations by or under the authority of the United States. Nothing in this section or Section 794 shall affect the power of the commission to prescribe forms of accounts, records, and memoranda covering information in addition to that required by or under the authority of the United States.

SEC. 2. Section 794 of the Public Utilities Code is amended to read:

794. The commission may, after notice, and hearing if requested within 15 days after receipt of notice, prescribe by order the accounts in which particular outlays and receipts shall be entered, charged, or credited. Where the commission has prescribed the forms of accounts, records, or memoranda to be kept by any public utility for any of its business, it is unlawful for such public utility to keep any accounts, records, or memoranda for such business other than those so prescribed, or those prescribed by or under the authority of any other state or of the United States, except such accounts, records, or memoranda as are explanatory of and supplemental to those prescribed by the commission.

CHAPTER 833

An act to add Section 4540 to the Public Utilities Code, relating to for-hire vessels.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 4540 is added to the Public Utilities Code, to read:

4540. No operating permit shall be sold, leased, assigned, transferred, or otherwise encumbered by the holder without first having secured from the commission an order authorizing it. Any such sale, lease, assignment, transfer, or encumbrance made otherwise than in accordance with the order of the commission authorizing it shall be void.

CHAPTER 834

An act to add Section 1064.1 to the Education Code, relating to powers of school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 1064.1 is added to the Education Code, to read:

1064.1. The governing board of any school district required or authorized to maintain special training schools or classes for exceptional minors may, with the approval of the county superintendent of schools, contract with any state college situated within the boundaries of the county within which the school district is located, upon such terms and conditions as may be agreed upon, to provide for the education of such minors in, and for the transportation of such minors to, the laboratory classes for exceptional children established and maintained within or without the boundaries of the school district by or in conjunction with such state college pursuant to Chapter 10 (commencing with Section 24351). As used in this section, "exceptional children" means physically handicapped minors, mentally retarded minors, or educationally handicapped minors required or allowed to be educated pursuant to Chapter 7.1 (commencing with Section 6750), Chapter 8 (commencing with Section 6801), and Chapter 9 (commencing with Section 6901) of Division 6 of this 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:

One or more state colleges are planning to establish laboratory classes for exceptional children beginning with the 1968 summer school session School districts interested in contracting with such a state college, if it is located outside the boundaries of the school districts, for education of such minors residing within the boundaries of the school districts and interested in transporting such minors to and from such laboratory classes presently cannot do so for the reason that there is no statutory authority for such contracts and it is therefore necessary that this act take effect immediately.

CHAPTER 835

An act to amend Section 832 of the Civil Code, relating to lateral and subjacent support and excavations.

[Approved by Governor July 31, 1968 Filed with Secretary of State July 31, 1968]

The people of the State of California do enact as follows:

SECTION 1. Section 832 of the Civil Code is amended to read:

832. Each coterminous owner is entitled to the lateral and subjacent support which his land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction or improvement, under the following conditions:

1. Any owner of land or his lessee intending to make or to permit an excavation shall give reasonable notice to the owner or owners of adjoining lands and of buildings or other structures, stating the depth to which such excavation is intended to be made, and when the excavating will begin.

2. In making any excavation, ordinary care and skill shall be used, and reasonable precautions taken to sustain the adjoining land as such, without regard to any building or other structure which may be thereon, and there shall be no liability for damage done to any such building or other structure by reason of the excavation, except as otherwise provided or allowed by law.

3. If at any time it appears that the excavation is to be of a greater depth than are the walls or foundations of any adjoining building or other structure, and is to be so close as to endanger the building or other structure in any way, then the owner of the building or other structure must be allowed at least 30 days, if he so desires, in which to take measures to protect the same from any damage, or in which to extend

the foundations thereof, and he must be given for the same purposes reasonable license to enter on the land on which the excavation is to be or is being made.

4. If the excavation is intended to be or is deeper than the standard depth of foundations, which depth is defined to be a depth of nine feet below the adjacent curb level, at the point where the joint property line intersects the curb and if on the land of the coterminous owner there is any building or other structure the wall or foundation of which goes to standard depth or deeper then the owner of the land on which the excavation is being made shall, if given the necessary license to enter on the adjoining land, protect the said adjoining land and any such building or other structure thereon without cost to the owner thereof, from any damage by reason of the excavation, and shall be liable to the owner of such property for any such damage, excepting only for minor settlement cracks in buildings or other structures.

CHAPTER 836

An act to amend Section 5081 of, and Section 8006 as added by Chapter 1667 of the Statutes of 1967 of, the Welfare and Institutions Code, and Section 1753 of the Probate Code, relating to public guardians.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 5081 of the Welfare and Institutions Code is amended to read:

5081. 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 of any person in the county 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, or of any person in the county who requires a guardian or conservator and for whom there is no person or corporation qualified and willing to act in such capacity.

Any such public guardian may act as guardian or conservator of any person and estate ordered into his hands by the court. The public guardian may take immediate charge of the property within his county of persons referred to him for guardianship or conservatorship when such property is being wasted, uncared for, or lost.

SEC. 2. Section 8006 of the Welfare and Institutions Code, as added by Chapter 1667 of the Statutes of 1967, is amended to read:

8006. 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 of any person in the county 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, or of any person in the county who requires a guardian or conservator and for whom there is no person or corporation qualified and willing to act in such capacity. Any such public guardian may act as guardian or conservator of any person and estate ordered into his hands by the court. The public guardian may take immediate charge of the property within his county of persons referred to him for guardianship or conservatorship when such property is being wasted, uncared for, or lost.

SEC. 3. Section 1753 of the Probate Code is amended to read:

1753. The selection of a conservator of the person or property shall be solely in the discretion of the court. Of persons equally entitled in the opinion of the court to appointment as conservator of the person and property or person or property of another, preference is to be given as follows:

(1) To the nominee under Section 1752 of this code of the person to be placed under conservatorship; then

(2) To the spouse of a married person to be placed under conservatorship or the nominee of such spouse; then

(3) To an adult child of the person to be placed under conservatorship or the nominee of such child; then

(4) To a parent of the person to be placed under conservatorship or the nominee of such parent; then

(5) To a brother or sister of the person to be placed under conservatorship or the nominee of such brother or sister; then

(6) To any qualified person or corporation who upon appropriate petition to the court might be appointed guardian of an incompetent person or of his estate under this code or, if there is no such person or corporation qualified and willing to act in such capacity, under the Welfare and Institutions Code.

The preference for any nominee to appointment under subparagraphs (3), (4), and (5) shall be subordinate to the preference for any other parent, child, brother or sister in such class.

No person or corporation prohibited by law from serving as a guardian of the estate of an incompetent person may be appointed a conservator.

SEC. 4. Section 2 of this act shall become operative at the same time as Section 42 of Chapter 1667 of the Statutes of 1967 becomes operative, at which time Section 5081 of the Welfare and Institutions Code as amended by Section 1 of this act is repealed.

CHAPTER 837

An act to amend Section 11557 of, and to add Sections 11556.5 and 11569 to, the Government Code, relating to compensation for state officers.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 11556.5 is added to the Government Code, to read:

11556.5. An annual salary of twenty-two thousand five hundred dollars ($22,500) shall be paid to each of the following:

(a) Director of Commerce.

(b) Director of Health Care Services.

SEC. 1.2. Section 11557 of the Government Code is amended to read:

11557. An annual salary of twenty-one thousand five hundred dollars ($21,500) shall be paid to each of the following:

(a) Director of California Disaster Office.

(b) Director of Professional and Vocational Standards.

(c) Director of Harbors and Watercraft.

(d) Director of Housing and Community Development.

(e) Director of Human Resources Development.

SEC. 1.3. Section 11569 is added to the Government Code, to read:

11569. Notwithstanding the foregoing provisions of this chapter or of any statute specifying the salary to be paid to any state officer, in any fiscal year for which the Legislature appropriates additional funds to augment the salaries paid to state officers whose salaries are specified by statute, each such statutory salary for such fiscal year shall be the amount so specified plus an amount which constitutes an equal percentage increase for each such officer. No such increase shall be paid to any officer whose salary is subject to Section 8901 or Section 68203 of the Government Code. If any constitutional provision prevents such increase during the term of office of a position, the increase shall not become operative as to such position before the commencement of the next succeeding term of office, as provided in Section 11567.

The secretaries and other personnel of the Governor appointed pursuant to Section 12001 shall be regarded as state officers for purposes of determining the salaries of state officers pursuant to this section and the Governor may fix the salary of each such person at an amount not to exceed the maximum for such position set forth in Section 12001 plus a percentage equal to the increase authorized for statutory salaries under this section.

CHAPTER 838

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 31, 1968 Filed with Secretary of State July 31, 1968]

The people of the State of California do enact as follows:

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.
Air pollution control districts
Airport districts
Assessment districts
Bridge and highway districts
California water district improvement districts
California water districts
Cemetery districts
Citrus pest control districts
City general improvement district improvement districts
City general improvement districts
City maintenance districts
Community service districts
Conservancy districts
County boards of education
County drainage districts
County fire protection districts
County maintenance districts
County power pumping districts
County sanitation districts
County service areas
County sewerage and water districts
County water agencies
County water authorities
County water district improvement districts
County water districts
County waterworks districts
Drainage districts
Fire protection districts
Flood control and water conservation districts
Flood control districts
Garbage and refuse disposal districts

Garbage disposal districts
Harbor districts
Harbor improvement districts
Highway districts
Highway interchange districts
Highway lighting districts
Horticultural protection districts
Horticultural development districts
Housing authorities
Irrigation district distribution districts
Irrigation district improvement districts
Irrigation districts
Joint harbor improvement districts
Joint highway districts
Joint municipal sewage disposal districts
Junior college districts
Levee districts
Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts
Municipal improvement district improvement districts
Municipal improvement districts
Municipal improvement assessment districts
Municipal port districts
Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind
Parking authorities
Parking districts
Park, recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts
Protection districts
Public cemetery districts
Public utility district improvement districts
Public utility districts
Rapid transit authorities
Rapid transit districts
Reclamation districts
Recreational harbor districts
Recreation and park districts
Recreation, park and parkway districts
Redevelopment agencies
Regional park districts
Regional planning districts
Resort improvement districts
River port districts
Road districts

Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class
Separation of grade districts
Sewer maintenance districts
Soil conservation districts
Special transit service districts
Storm water districts
Transit districts
Underground utility districts
Unified air pollution control districts
Unified port districts
Urban renewal agencies
Vehicle parking districts
Veterans' memorial districts
Water agencies
Water authorities
Water conservation districts
Water districts
Water replenishment districts
Water storage district improvement districts
Water storage districts
Weed abatement districts
Zones of flood control districts
Zones of flood control and water conservation districts
Zones of county water agencies
Zones of county water authorities.

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body

to any other such public body or for the withdrawal or exclusion of territory from any such public body or for the consolidation, merger or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory or the consolidation, merger or dissolution of such public bodies.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All bonds of any public body heretofore awarded and sold to a purchaser and hereafter issued and delivered in accordance with the contract of sale and other proceedings for the award and sale shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued by ordinance, resolution, order or other action adopted or taken by or on behalf of the public body and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued at an election and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the consolidation, merger or dissolution of any public bodies, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the Second Validating Act of 1968.

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:

The peace, health and safety of the citizens of the state require the orderly and unhampered functioning of public bodies and such functioning depends upon the validity of the organization, boundaries, and governing officers or boards of public bodies, and upon the validity of acts, proceedings, and bonds of public bodies, and it is therefore imperative and

essential that such matters be validated so that during the period before this act would otherwise become effective:

(1) Citizens of the state can be afforded the protection of the police, fire, safety, sanitary, and other regulations and protections provided by public bodies;

(2) Public works and construction by public bodies can be commenced and continued without delay or restriction, to provide sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety, and immediately needed to provide for an increased population;

(3) Public bodies can issue and sell bonds heretofore authorized for the purpose of providing sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety and immediately needed to provide for an increased population, which cannot now be sold because of defects in the organization or boundaries of some public body or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 839

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith.

[Approved by Governor July 31, 1968 Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.
Air pollution control districts
Airport districts
Assessment districts
Bridge and highway districts
California water district improvement districts

California water districts
Cemetery districts
Citrus pest control districts
City general improvement district improvement districts
City general improvement districts
City maintenance districts
Community service districts
Conservancy districts
County boards of education
County drainage districts
County fire protection districts
County maintenance districts
County power pumping districts
County sanitation districts
County service areas
County sewerage and water districts
County water agencies
County water authorities
County water district improvement districts
County water districts
County waterworks districts
Drainage districts
Fire protection districts
Flood control and water conservation districts
Flood control districts
Garbage and refuse disposal districts
Garbage disposal districts
Harbor districts
Harbor improvement districts
Highway districts
Highway interchange districts
Highway lighting districts
Horticultural protection districts
Horticultural development districts
Housing authorities
Irrigation district distribution districts
Irrigation district improvement districts
Irrigation districts
Joint harbor improvement districts
Joint highway districts
Joint municipal sewage disposal districts
Junior college districts
Levee districts
Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts
Municipal improvement district improvement districts
Municipal improvement districts
Municipal improvement assessment districts
Municipal port districts

Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind
Parking authorities
Parking districts
Park, recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts
Protection districts
Public cemetery districts
Public utility district improvement districts
Public utility districts
Rapid transit authorities
Rapid transit districts
Reclamation districts
Recreational harbor districts
Recreation and park districts
Recreation, park and parkway districts
Redevelopment agencies
Regional park districts
Regional planning districts
Resort improvement districts
River port districts
Road districts
Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class
Separation of grade districts
Sewer maintenance districts
Soil conservation districts
Special transit service districts
Storm water districts
Transit districts
Underground utility districts
Unified air pollution control districts
Unified port districts
Urban renewal agencies
Vehicle parking districts
Veterans' memorial districts
Water agencies
Water authorities
Water conservation districts
Water districts
Water replenishment districts
Water storage district improvement districts
Water storage districts
Weed abatement districts
Zones of flood control districts
Zones of flood control and water conservation districts
Zones of county water agencies
Zones of county water authorities.

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceeedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body or for the consolidation, merger or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory or the consolidation, merger or dissolution of such public bodies.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All bonds of any public body heretofore awarded and sold to a purchaser and hereafter issued and delivered in accordance with the contract of sale and other proceedings for the award and sale shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore

authorized to be issued by ordinance, resolution, order or other action adopted or taken by or on behalf of the public body and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued at an election and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the consolidation, merger or dissolution of any public bodies, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it

would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the Third Validating Act of 1968.

CHAPTER 840

An act to amend Sections 13943.5 and 16302.1 of the Government Code, relating to state agencies.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 13943.5 of the Government Code is amended to read:

13943.5. Upon authorization of the State Board of Control a state agency may refrain from collecting taxes, licenses, fees or money owing to the state for any other reason where the amount to be collected is five dollars ($5) or less. State agencies desiring to secure such authorization shall file an application therefor with the State Board of Control accompanied by a statement of the circumstances. Nothing contained in this section shall be construed as releasing any person from the payment of any taxes, licenses, fees or other money which is due and owing to the state.

SEC. 2. Section 16302.1 of the Government Code is amended to read:

16302.1. Whenever any person pays to any state agency pursuant to law an amount covering taxes, penalties, interest, license or other fees, or any other payment, and it is subsequently determined by the state agency responsible for the collection thereof that such amount includes an overpayment of five dollars ($5) or less of the amount due the state pursuant to the assessment, levy, or charge to which the payment is applicable, the amount of such overpayment may be disposed of in either of the following ways:

(1) The state agency responsible for the collection to which the overpayment relates may apply the amount of such overpayment as a payment by such person on any other taxes,

penalties, interest, license or other fees, or any other amount due the state from such person; provided, such state agency is responsible by law for the collection to which such overpayment is to be applied as a payment.

(2) Upon written request of the state agency responsible for the collection to which the overpayment relates, the amount of such overpayment shall, on order of the Controller, be deposited as revenue in the fund in the State Treasury into which such collection, exclusive of overpayments, is required by law to be deposited.

The State Board of Control may adopt rules and regulations to permit state agencies to retain such overpayments where a demand for refund permitted by law is not made within six months after the refund becomes due; and such retained overpayments shall belong to the state.

Except as provided in the foregoing paragraph, the provisions of this section shall not affect the right of any person making overpayment of any amount to the state to make claim for refund of such overpayment, nor the authority of any state agency or official to make payment of any amount so claimed, if otherwise authorized by law.

CHAPTER 841

An act to amend Section 152 of, and to add Section 153 to, the Streets and Highways Code, relating to freeway emergency facilities.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 152 of the Streets and Highways Code is amended to read:

152. The department may permit the placing of, and cooperate in the planning for, emergency water hydrants on or adjacent to state freeway rights-of-way wherever a public water system is available. The placing and maintenance of the hydrants shall be the responsibility of local agencies.

SEC. 2. Section 153 is added to the Streets and Highways Code, to read:

153. The department may place and maintain or cooperate with local agencies or others in the placing and maintenance of emergency telephones or other communication facilities on or adjacent to state freeway rights-of-way.

CHAPTER 842

An act authorizing the Department of Water Resources to enter into certain loan commitment contracts and to disburse loan commitment funds in furtherance of the development of the water resources of this state, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. In furtherance of the provisions of Chapter 5.5 (commencing with Section 12894) of Part 6, Division 6 of the Water Code, the Department of Water Resources is hereby authorized to enter into a commitment, upon the terms and conditions herein specified, to make a loan from funds appropriated for such purpose by Section 12894 of the Water Code to each of the following public agencies (hereinafter in this act referred to as the "agency"): the Belridge Water Storage District, the Berrenda Mesa Water District, the Buena Vista Water Storage District, the Cawelo Water District, the Dudley Ridge Water District, the Kern Delta Water District, the Lost Hills Water District, the Rosedale Rio Bravo Water Storage District, the Pond Poso Improvement District of the Semitropic Water Storage District, the Buttonwillow Improvement District of Semitropic Water Storage District, and the Tehachapi-Cummings County Water District. No loan commitment shall be made pursuant to this act to any agency for an amount in excess of 15 percent of the aggregate principal amount of the next general obligation bond issue of the agency for the purpose of the construction of projects for the utilization of water from the State Water Resources Development System.

SEC. 2. Each agency desiring such a loan commitment shall, prior to the proposed date of such next general obligation bond issue of the agency, submit to the department a formal application, as prescribed by the department, and shall, upon request, furnish to the department such financial data and other information as may be required by the department.

SEC. 3. No loan commitment shall be made with respect to any bond issue unless such bond issue has been approved for certification by the California Districts Securities Commission pursuant to the provisions of Division 10 (commencing with Section 20000) of the Water Code. The date on which such bond issue is approved for certification by the commission shall determine the priority of the agency issuing such bonds in the event available funds are not sufficient to meet all applications under this act.

SEC. 4. In the event, at such time as the agency proceeds to market such next general obligation bond issue, no bids are received on such bond issue, the department shall determine whether or not to approve a loan commitment to the agency, based on such information as may then be available to the department. If approved, the amount of the loan commitment, not to exceed 15 percent of the aggregate principal amount of the bond issue, shall be determined by the department in accordance with the degree of loan commitment deemed necessary to effect a sale of the bond issue.

SEC. 5. No loan commitment funds shall be available to an agency unless the agency enters into a loan commitment contract with the department under which the agency agrees to the following terms and conditions:

(a) The loan commitment obligation shall extend for a period of seven years from the date of the issuance of the general obligation bonds, and during such period the state shall be obligated to loan to the agency, according to the terms and conditions of the loan commitment contract, funds, not to exceed such specified total amount, for use by the agency in making principal or interest payments accruing on such general obligation bonds, or for the replenishment of any reserve fund established by the agency for servicing such bonds.

(b) The agency shall submit a written request for loan commitment funds, on a form to be provided by the department, which specifies the use to be made of such funds and which contains the certification of the agency that insufficient funds are available from other sources, including bond reserve funds and taxes or assessments, for the purpose of making such principal or interest payments or replenishing such bond reserve fund. Each year during the loan commitment period in which the agency is unable to raise sufficient funds by other means, it shall levy upon all property in the agency subject to taxation or assessment a tax or assessment sufficient to enable the agency to make the principal and interest payments due or to become due on such bonds prior to the date of the next tax or assessment levy.

(c) Loan commitment funds received by the agency shall be deposited in a special fund, and, upon request by the department, the agency shall submit written reports to the department on the expenditure by the agency of any such funds.

(d) After the termination of the loan commitment period, the department shall submit to the agency a statement showing the principal amount of the loan, which shall be the difference between the total amount of money disbursed to the agency under the loan commitment contract and any amount previously repaid to the state by the agency as a partial repayment of the moneys loaned. The principal amount of the loan shall be repaid in not to exceed 10 consecutive annual installments to be set forth in a loan repayment schedule. The amount of each installment shall be expressed in the schedule as a percentage of the principal amount of the loan, but the amount of

each installment may be tailored to the particular circumstances of the agency and need not be equal. The first installment shall be due and payable on January 1st of the year following the year in which the statement of the principal amount of the loan is submitted to the agency, but if the statement is received in December, the first installment shall be due and payable on February 1st rather than January 1st, and the remaining installments shall be due and payable on January 1st of each year thereafter. The agency shall have the option of paying in advance on any January 1st or July 1st all or any part of the unpaid portion of the principal amount of the loan.

(e) Interest shall be charged at an annual rate of 5 percent on the unpaid balance of the amounts of money disbursed to the agency pursuant to the loan commitment contract, and shall be due and payable on January 1st and July 1st of the year following the year in which the first disbursement of a portion of the loan commitment funds is made under the contract, but if such first disbursement is made in the month of December, then on February 1st rather than January 1st, and on January 1st and July 1st thereafter. The agency may, however, defer the payment of any interest amount until the first installment on the principal amount of the loan is due and payable, and no interest shall be charged on the deferred interest amounts during such deferral period, but after the interest deferral period, the total accrued interest amounts shall be payable, with 5 percent annual interest payable on January 1st and July 1st, in consecutive equal annual installments on each January 1st during the period of the repayment of the principal amount of the loan. Interest shall be charged on all delinquent interest payments.

(f) The governing body of the agency shall provide for the punctual payment of all amounts due and payable to the state pursuant to the loan commitment contract, and if necessary shall levy taxes or assessments to make such payments and enforce and collect such taxes or assessments and place them in a special fund for use in making such payments to the state.

SEC. 6. The department may withhold the disbursement to the agency of loan funds whenever it determines that such agency is in substantial breach of the provisions of the loan commitment contract.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Several of the water districts eligible to enter into the loan commitment contracts authorized by this act must proceed with the marketing of general obligation bond issues prior to the time when this act would ordinarily take effect. Thus, in order to enable loan commitments to be made at the earliest possible time in order to aid the affected districts, it is necessary that this act take effect immediately.

CHAPTER 843

An act to add Section 19360.5 to the Government Code, relating to state civil service.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 19360.5 is added to the Government Code, to read:

19360.5. When there are two or more employees in a class and an involuntary transfer is required to a position in the same class, or an appropriate class as designated by the board, in a location which reasonably requires an employee to change his place of residence, the board may determine the methods by which employees in the class or classes involved are to be selected for transfer. Such methods may include seniority and other considerations.

CHAPTER 844

An act to amend Section 1580 of the Probate Code, relating to removal of a guardian.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 1580 of the Probate Code is amended to read:

1580. A guardian however appointed may be removed by the court, after notice and hearing, substantially as provided in Section 1755 of this code, for any of the following causes:

(1) For waste or mismanagement of the estate, or abuse of his trust;

(2) For failure to file an inventory or to render an account within the time allowed by law, or for continued failure to perform his duties;

(3) For incapacity to perform his duties suitably;

(4) For gross immorality or conviction of a felony;

(5) For having an interest adverse to the faithful performance of his trust;

(6) In the case of a guardian of an estate, for insolvency or bankruptcy;

(7) When it is no longer necessary that the ward should be under guardianship; or

(8) In any other case in which the court shall in its discretion deem such removal to be in the best interests of the ward provided, in considering the best interests of the ward, if the guardian was appointed by will or deed, the court shall take that fact into consideration.

CHAPTER 845

An act to amend Sections 2611, 2612, 2613, 2615, 2616, 2617.5, 2620, 2628, 2629, 2635, 2636, 2640, 2641, and 2645 of, and to add Section 2612.5 and 2622 to, the Labor Code, relating to employee housing.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 2611 of the Labor Code is amended to read:

2611. Permanent buildings used for human habitation, and buildings accessory thereto, within a labor camp shall comply with the regulations adopted pursuant to this chapter, unless a local ordinance prescribing minimum standards equal to or greater than such regulations is applicable. If such a local ordinance is applicable to permanent buildings used for human habitation, and buildings accessory thereto, within a labor camp, such buildings shall comply with the construction and erection provisions of the ordinance.

SEC. 2. Section 2612 of the Labor Code is amended to read:

2612. The provisions of this chapter are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this chapter if such alternate has been approved by the Department of Housing and Community Development.

The Department of Housing and Community Development may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method of work offered is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire resistance, durability and safety, for the protection of life and health.

This section shall not apply to a local ordinance which is applicable pursuant to Section 2611 of this chapter.

SEC. 3. Section 2612.5 is added to the Labor Code, to read:

2612.5. "Commission" means the Commission of Housing and Community Development.

SEC. 4. Section 2613 of the Labor Code is amended to read:

2613. "Department" means the Department of Housing and Community Development.

SEC. 5. Section 2615 of the Labor Code is amended to read:

2615. "Employee housing" means apartment houses, hotels, motels, or dwellings, where living quarters are provided for five or more employees employed in the management, maintenance, or operation of an apartment house, hotel, motel, or dwellings.

SEC. 6. Section 2616 of the Labor Code is amended to read:

2616. "Labor camp" means any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome or other housing accommodations, including employee housing or labor supply camp, maintained in connection with any work or place where work is being performed, and the premises upon which they are situated or the area set aside and provided for camping of five or more employees by the employer.

SEC. 7. Section 2617.5 of the Labor Code is amended to read:

2617.5. "Permanent building" means a structure which is not designed or erected to be readily disassembled or moved.

SEC. 8. Section 2620 of the Labor Code is amended to read:

2620. "Sleeping place" means a dwelling, bunkhouse, tent, mobilehome, or other structure or shelter in which employees are housed in any labor camp.

SEC. 9. Section 2622 of the Labor Code is added, to read:

2622. "Temporary building" means any structure which is designed or erected in such a manner that it may readily be disassembled or moved.

SEC. 10. Section 2628 of the Labor Code is amended to read:

2628. The provisions of former Article 4 (commencing with Section 2410), Chapter 1, Part 9, Division 2 of the Labor Code, as they exist on the effective date of this chapter, are continued in effect as rules and regulations of the Department of Housing and Community Development, and shall remain in effect as rules and regulations until amended or repealed pursuant to this chapter.

SEC. 11. Section 2629 of the Labor Code is amended to read:

2629. This chapter does not apply to any labor camp owned, operated, and maintained by any of the following:

(a) The federal government.

(b) The state.

(c) Any agency or political subdivision of the state.

SEC. 12. Section 2635 of the Labor Code is amended to read:

2635. The commission shall adopt, amend, or repeal, and the department shall enforce rules and regulations for the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all labor camps.

SEC. 13. Section 2636 of the Labor Code is amended to read:

2636. Except as provided in Sections 2611 and 2628, the rules and regulations adopted, amended, or repealed from time to time pursuant to this chapter shall be consistent with accepted standards and practices reasonably applicable to permanent, temporary and seasonal labor camps and the utilization

of portable or temporary housing or camping facilities. In promulgating rules and regulations, the department shall consider, among other things, geographic, topographic, and climatic conditions. The commission may establish a schedule of fees for the construction of buildings in a labor camp wherever the department is the enforcing agency.

SEC. 14. Section 2640 of the Labor Code is amended to read:

2640. The Department of Housing and Community Development shall administer and enforce this chapter and all rules and regulations promulgated pursuant thereto. For such purposes, the officers and agents of the department may:

(a) Enter public or private properties to determine whether there exists any labor camp to which this chapter applies.

(b) Enter and inspect all labor camps wheresoever situated, and inspect all accommodations, equipment, or paraphernalia connected therewith.

(c) Enter and inspect the land adjacent to the labor camp to determine whether the sanitary and other requirements of this chapter have been or are being complied with.

SEC. 15. Section 2641 of the Labor Code is amended to read:

2641. For the purpose of securing compliance with this chapter the officers and agents of the Department of Housing and Community Development may serve any process or notice throughout the state.

SEC. 16. Section 2645 of the Labor Code is amended to read:

2645. Any labor camp which does not conform to this chapter is a public nuisance and if not made to conform within five days, or within such longer period of time allowed by the department after written notice, shall be abated by proper action brought in the superior court of the county in which the labor camp or greater portion thereof is situated.

CHAPTER 846

An act to amend Section 2630 of the Labor Code, relating to labor camp registration.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 2630 of the Labor Code is amended to read:

2630. There is hereby established the State Roster of Labor Camps in the custody of the Department of Housing and Community Development. This roster shall consist of all labor camps registered with the department during calendar year

1968, and all labor camps thereafter registered pursuant to the requirements of this section. Every owner or operator of a labor camp not registered during calendar year 1968 shall register such labor camp with the Department of Housing and Community Development. This requirement shall apply to every labor camp whether occupied or not.

Prior to the construction or establishment of any new or additional camp, or modification of an existing camp which is registered, the owner or operator thereof shall notify the department and register, or reregister, such camp prior to occupancy; except that under emergency conditions such notification and registration may be made no later than five days after occupancy.

Registration or reregistration shall be on forms supplied by the department and shall contain the following information:

(a) The name and address of the camp owner and operator.

(b) The location of the camp.

(c) A complete description of the facilities comprising the camp.

Any change in the foregoing information applicable to a registered camp shall require reregistration of such camp.

Any registration or reregistration of a camp after December 31, 1968, shall be accompanied by a fee of ten dollars ($10).

CHAPTER 847

An act relating to city streets, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 31, 1968 Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. All moneys heretofore transferred to the State Highway Fund under Section 2107 of the Streets and Highways Code prior to its amendment in 1967 and under Section 2107.5 of the Streets and Highways Code shall be deemed to have been budgeted with Department of Public Works approval within the meaning of Section 196 of the Streets and Highways Code prior to its repeal in 1967. Any such moneys remaining in the State Highway Fund which were transferred under Section 2107 and which are not to be expended by the Department of Public Works pursuant to agreements with cities shall be paid to the cities to which the Department of Public Works has apportioned such moneys in accordance with Section 194 of the Streets and Highways Code prior to its repeal in 1967. Any moneys remaining in the State Highway Fund which were transferred under Section 2107.5 during or prior to the 1968–69 fiscal year shall be paid to cities in accordance with determinations of eligibility

which have been made by the Department of Public Works in accordance with Section 2107.5.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the continued appropriate expenditure of gas tax funds on city streets be authorized, thereby permitting the continuation of existing programs of needed street improvement projects, it is necessary that this act take effect immediately.

CHAPTER 848

An act to amend Section 37110 of the Government Code, relating to cities.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 37110 of the Government Code is amended to read:

37110. The legislative body may expend a sum not to exceed 5 percent of the money accruing to the general fund in the fiscal year for music and promotion, including promotion of sister city and town affiliation programs. This limitation shall not be applicable to any moneys accruing to the general fund derived pursuant to Section 51030.

CHAPTER 849

An act to amend Sections 12260 and 12261 of the Education Code, relating to work by minors attending school, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 12260 of the Education Code is amended to read:

12260. No permit shall be issued until the minor accompanied by his parent or guardian, appears before the person authorized to issue the permit and makes application therefor.

This section shall be applicable only to minors subject to Section 12254.

SEC. 2. Section 12261 of the Education Code is amended to read:

12261. No permit shall be issued until the issuing authority has received, examined, approved, and filed, the following papers duly executed:

(a) The school record of the minor giving age, grade, and attendance for the current term signed by the principal or teacher.

(b) Evidence of age, such as the school record of enrollment, or a certificate of birth, or a baptism certificate duly attested, or a passport, or affidavit of the parent, guardian, or custodian of the minor, such as shall convince the officer that the minor is of the age required by law.

(c) The written statement from a prospective employer that work is waiting for the minor and describing the nature of the work.

(d) A certificate signed by a physician appointed by the school board, or by other public medical officer, stating that the minor has been thoroughly examined by him, and, in his opinion, is physically fit to pursue the work specified. No fee shall be charged the minor for the physical certificate.

This section shall be applicable only to minors subject to Section 12254.

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 no undue hardship be imposed upon minors desiring to work, it is necessary that this act take effect immediately.

CHAPTER 850

An act to amend Sections 5784, 5784.1, and 5784.4 of the Public Resources Code, relating to recreation and park districts.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 5784 of the Public Resources Code is amended to read:

5784. On or before the first day of July of each year, or a date prescribed by the supervising authority, the district board shall estimate and determine the annual amount of money required for the district and shall adopt a preliminary budget which may be divided into the following main classes:

(1) Maintenance and operation;

(2) Capital outlay;

(3) Bonded or other indebtedness interest and redemption;
(4) Capital outlay reserve;
(5) Unappropriated reserve;
(6) General reserve;
(7) Salaries and wages.

SEC. 2. Section 5784.1 of the Public Resources Code is amended to read:

5784.1. On or before the first day of July of each year, or on a date prescribed by the supervising authority, the district board shall publish a notice at least one time stating:

(1) That the preliminary budget has been adopted and is available at a time and at a place within the district, specified in the notice, for inspection by interested taxpayers;

(2) That on a specified date, not less than one month after publication of the notice, and at a specified time and place the district board will meet for the purpose of fixing the final budget, and that any taxpayer may appear and be heard regarding the increase, decrease, or omission of any item on the budget or for the inclusion of additional items.

SEC. 3. Section 5784.4 of the Public Resources Code is amended to read:

5784.4. The district board shall report the final budget to the supervising authority concerned, after the budget hearing but not later than the 10th day of August of each year, after making any changes in the preliminary budget it deems advisable during or after the hearing, including deductions, increases, or additions.

CHAPTER 851

An act to amend Section 538 of the Code of Civil Procedure, relating to attachments.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 538 of the Code of Civil Procedure is amended to read:

538. The clerk of the court, or the justice, where there is no clerk, must issue the writ of attachment upon receiving an affidavit by or on behalf of the plaintiff showing:

1. The facts specified in Section 537 which entitle him to the writ;

2. The amount of the indebtedness claimed, over and above all legal setoffs or counterclaims, or the amount claimed as damages; or, if an attachment is then sought for only part thereof, such partial amount; and

3. That the attachment is not sought, and the action is not prosecuted, to hinder, delay, or defraud any creditor of the defendant.

4. That the affiant has no information or belief that the defendant has been adjudicated a bankrupt, with reference to the indebtedness for which the writ is sought, by any United States district court, nor that the defendant is, at the time of the request for the writ, under any wage earner's plan approved by any United States court.

Provided, however, that no attachment may be issued under this chapter in any action in which the sum claimed, exclusive of interest and attorney's fees, is less than one hundred twenty-five dollars ($125).

In all cases where the earnings of the judgment debtor which would be exempt under the provisions of Section 690.11 of the Code of Civil Procedure are sought to be attached on the ground that the action is brought to collect a debt incurred for the common necessaries of life, the affidavit must contain a statement to that effect, and must specify the character or nature of the items constituting the alleged necessaries.

CHAPTER 852

An act to amend Sections 73075 and 73088 of the Government Code, relating to municipal courts.

[Approved by Governor July 31, 1968 Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 73075 of the Government Code is amended to read:

73075. Each of the municipal court districts established in Alameda County shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Alameda Judicial District	1
Berkeley-Albany Judicial District	3
Oakland-Piedmont Judicial District	11
San Leandro-Hayward Judicial District	4

SEC. 2. Section 73088 of the Government Code is amended to read:

73088. The clerk of the municipal court for the Berkeley-Albany Judicial District may appoint the following deputy clerks:

(a) One chief deputy clerk.
(b) Four deputy clerks grade IV.
(c) Five deputy clerks grade III.
(d) Eight deputy clerks grade II.
(e) Two deputy clerks grade I.

CHAPTER 853

An act to amend Sections 66515, 66650, and 66651 of the Government Code and Section 10 of the Water Pollution Control Law of 1965 (Chapter 1351, Statutes of 1965), to add Section 66514.5 to the Government Code, and to add Section 10.5 to the Water Pollution Control Law of 1965 (Chapter 1351, Statutes of 1965), relating to the San Francisco Bay area.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 66514.5 is added to the Government Code, to read:

66514.5. Any preliminary recommendation which the study commission may make relating to an areawide governmental organization for the San Francisco Bay area and the powers and authority of such an organization, shall be made to the Joint Committee on Bay Area Regional Organization by November 1, 1968.

SEC. 2. Section 66515 of the Government Code is amended to read:

66515. The study commission shall submit a final report to the Governor and to the Legislature by the 90th legislative day of the 1969 Regular Session. The final report shall take into consideration the recommendations regarding the structure and organization of any areawide government and powers and authority of such a government, which will be made by the Joint Committee on Bay Area Regional Organization, pursuant to Senate Concurrent Resolution 41 of the 1967 Regular Session (Resolution Chapter 144, 1967 Regular Session). If any of the commission's recommendations shall differ with the recommendations of the Joint Committee on Bay Area Regional Organization, the commission shall specifically identify such differences in its final report and shall fully explain its reasons for the difference.

The existence of the study commission shall terminate on the 61st day after final adjournment of the 1969 Regular Session of the Legislature.

SEC. 3. Section 66650 of the Government Code is amended to read:

66650. The commission shall file a progress report with the Governor and the Legislature not later than the fifth legislative day of the 1967 Regular Session of the Legislature, and shall file a final report with the Governor and the Legislature not later than the 90th legislative day of the 1969 Regular Session of the Legislature. The final report shall take into consideration the recommendations regarding the structure and organization of any areawide government and the powers and authority of such a government, which will be made by the Joint Committee on Bay Area Regional Organization, pur-

suant to Senate Concurrent Resolution 41 of the 1967 Regular Session (Resolution Chapter 144, 1967 Regular Session). If any of the commission's recommendations shall differ with the recommendations of the Joint Committee on Bay Area Regional Organization, the commission shall specifically identify such differences in its final report and shall fully explain its reasons for the differences.

SEC. 4. Section 66651 of the Government Code is amended to read:

66651. The final report shall contain all of the following:

(a) The results of the detailed study made by the commission.

(b) The comprehensive plan adopted by the commission for the conservation of the water of the San Francisco Bay and the development of its shoreline.

(c) The commission's recommendation of the appropriate agency to maintain and carry out the comprehensive plan. Preliminary recommendations in regard to such an agency and the scope of its powers and authority shall be made to the Joint Committee on Bay Area Regional Organization not later than November 1, 1968.

(d) The commission's estimate of the approximate amount of money that will be necessary to maintain and carry out the comprehensive plan, including, but not limited to, the commission's estimate of the approximate amount of money that will be necessary to purchase real property which the commission may recommend be purchased for public use, and an indication of the possible sources of money for such purposes, such as local bond funds, federal grants, state funds, funds from foundations, and funds from private subscription.

(e) Such other information and recommendations as the commission deems desirable.

SEC. 5. Section 10 of the Water Pollution Control Law of 1965 (Chapter 1351, Statutes of 1965) is amended to read:

Sec. 10. The State Water Resources Control Board shall submit a report on the San Francisco Bay-delta area study to the Legislature not later than the 90th legislative day of 1969 Regular Session. The report shall include, but is not necessarily limited to, the following:

(a) Recommendations for regional waste collection, treatment and disposal system and other means of maintaining proper quality levels for the water concerned, which will provide guidelines for the systematic development of a comprehensive pollution control program.

(b) Overall cost estimates for the construction and operation of the recommended plan.

(c) Recommendations for the form of governmental entity or authority which would be best able to further develop and implement a comprehensive water pollution control plan program. These recommendations shall take into consideration the recommendations regarding the governmental structure and organization of any areawide government and the powers and

authority of such a government, which will be made by the Joint Committee on Bay Area Regional Organization pursuant to Senate Concurrent Resolution 41 of the 1967 Regular Session (Resolution Chapter 144, 1967 Regular Session). If any of the board's recommendations shall differ with the recommendations of the Joint Committee on Bay Area Regional Organization the board shall specifically identify such differences in its final report and shall fully explain its reasons for the differences.

(d) Recommendations as to the equitable apportionment of cost of development, construction and operation among the various beneficiaries of the plan.

(e) Recommendations as to the schedule for staged development of the various phases of the comprehensive plan.

(f) Delineation of the major subject areas, with estimates of cost, for additional studies which are considered essential to the further development of a regional, comprehensive water pollution control plan in the San Francisco Bay-delta area.

SEC. 6. Section 10.5 is added to the Water Pollution Control Law of 1965 (Chapter 1351, Statutes of 1965), to read:

Sec. 10.5. Preliminary recommendations for the form of governmental entity or authority which would be best able to further develop and implement a comprehensive water pollution control plan and program together with recommendations regarding the powers and authority of such an agency shall be made to the Joint Committee on Bay Area Regional Organization not later than November 1, 1968.

CHAPTER 854

An act to amend Sections 8751 and 8804 of the Financial Code, relating to extra examinations and copies of annual audit.

[Approved by Governor July 31, 1968 Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 8751 of the Financial Code is amended to read:

8751. Each association shall furnish the commissioner annually, promptly after the end of the period covered by the audit, two signed copies of the report of the public accountant showing the result of the audit and including a balance sheet of the association at the date of the audit and a statement of the income and expenses of the association during the year ending with the date of the audit. The balance sheet and statement of income and expenses shall be certified by the public accountant making the audit.

SEC. 2. Section 8804 of the Financial Code is amended to read:

8804. Whenever in the judgment of the commissioner the condition of any association renders it necessary or expedient to make an extra examination or to devote any extraordinary attention to its business and affairs, the commissioner may make any and all necessary extra examinations and devote any necessary extra attention to the conduct of the association's business and affairs and may cause a certified public accountant appointed by the commissioner to make an audit of the association's business and affairs, or perform any special work the commissioner deems necessary. The association specially examined shall pay a reasonable price to be fixed by the commissioner for all such extra services rendered by the commissioner or by such accountant.

CHAPTER 855

An act to amend Sections 3511 and 4700 of the Fish and Game Code, relating to possession of fully protected birds and mammals.

[Approved by Governor July 31, 1968 Filed with Secretary of State July 31, 1968]

The people of the State of California do enact as follows:

SECTION 1. Section 3511 of the Fish and Game Code is amended to read:

3511. Fully protected birds are: California condors (Gymnogyps californianus); bald eagles (Haliaeetus leucocephalus); white-tailed kites (Elanus leucurus); trumpeter swans (Cygnus buccinator).

Fully protected birds or parts thereof may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected bird and no such permit or license heretofore issued shall have any force or effect for any such purpose; provided, however, that a legally purchased or imported fully protected bird or part thereof may be possessed under a permit issued by the department.

SEC. 2. Section 4700 of the Fish and Game Code is amended to read:

4700. Fully protected mammals are: sea otter (genus Enhydra), Guadalupe fur seal (genus Arctocephalus), sea elephant (genus Mirounga), ringtailed cat (genus Bassariscus) and mountain sheep (genus Ovis).

Fully protected mammals or parts thereof may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected mammal and

no permits or licenses heretofore issued shall have any force or effect for any such purpose; provided, however, that a legally purchased or imported fully protected mammal or part thereof may be possessed under a permit issued by the department.

CHAPTER 856

An act to amend Sections 69595 and 70043 of the Government Code, relating to courts.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 69595 of the Government Code is amended to read:

69595. In the County of San Diego there shall be 22 judges of the superior court.

SEC. 2. Section 70043 of the Government Code is amended to read:

70043. To assist the court in the transaction of its judicial business by having the duties of phonographic reporters performed, a majority of the judges of the superior court of the county may appoint as many regular official phonographic reporters as necessary to report the proceedings in the court and to perform such duties. The number of reporters so appointed shall not exceed at any one time the number of offices of judge provided by law for the court. The reporters shall hold office during the pleasure of a majority of the judges of the court. The number of reporters and compensation of reporters in counties over 2,000,000 population shall be as provided in Section 69894.1. The number of official reporters in a county of the 2nd class as provided in Section 28023 shall be but shall not exceed at any one time the total number of judges provided by law for the court and the number of referees appointed pursuant to Section 553 of the Welfare and Institutions Code.

CHAPTER 857

An act to add Sections 40804 and 40805 to the Government Code, relating to duties of city clerks.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 40804 is added to the Government Code, to read:

40804. The city clerk shall cause a summary of the city's financial report required by Section 53891, in a form prescribed by the State Controller, to be published once in a newspaper of general circulation, pursuant to Article 1 (commencing with Section 6000), Chapter 1, Division 7, Title 1 of the Government Code. If there is no such newspaper he shall cause copies of the statement to be posted in three public places in the city designated by ordinance as the places for posting of public notices.

SEC. 2. Section 40805 is added to the Government Code, to read:

40805. The report shall be published or posted not later than 120 days after the close of the fiscal year for which the report is compiled.

CHAPTER 858

An act to amend Section 22850 of the Government Code, relating to the Meyers-Geddes State Employees' Medical and Hospital Care Act.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 22850 of the Government Code is amended to read:

22850. A contracting agency and its employees and annuitants shall be subject to this part upon the filing with the board of a resolution of its governing body electing to be so subject. The resolution shall be adopted by a majority vote and shall be effective at such time as is provided in board regulations.

CHAPTER 859

An act to amend Section 272 of the Revenue and Taxation Code, relating to the veterans' exemption.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 272 of the Revenue and Taxation Code is amended to read:

272. If a claimant for the veterans' exemption fails to file the required affidavit pursuant to Section 255 because he was in the military service of the United States and serving outside of the continental limits of the United States between the lien date and 5 o'clock p.m. on April 15 of any year, the

veterans' exemption may be claimed pursuant to Section 252 or 253 without regard to the time limit specified in Section 255 and any tax or penalty or interest thereon for any fiscal year commencing during that calendar year on property to the amount of one thousand dollars ($1,000) owned by such person as to which the veterans' exemption was available for such fiscal year, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

SEC. 2. This act shall be applied with respect to any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1965 and any calendar year thereafter.

CHAPTER 860

An act to add Section 23038.1 to, and to amend Section 23396 of, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 23038.1 is added to the Business and Professions Code, to read:

23038.1. Notwithstanding the provisions of Section 23038, "bona fide public eating place" also means a convention center, exhibit hall, or auditorium, which shall hereinafter be referred to as "premises," owned by or leased to the State of California, any incorporated city, county, city and county, or public corporation of the State of California which is regularly and in a bona fide manner used and kept open for the attendance of groups of guests, and in connection with such use serves meals to such groups of guests for compensation, and which has suitable kitchen facilities in connection therewith, such kitchen containing conveniences for preparation of ordinary meals and maintained in a sanitary condition with proper refrigeration for the keeping of food on the premises in compliance with all regulations of the local department of health.

"Meals," as used in this section, means foods commonly ordered at a lunch or dinner; provided, however, that the service of food such as sandwiches or salads only shall not be deemed compliance with this requirement.

"Groups of guests," as used in this section, means persons who come to the premises owned or leased as provided herein, to make use of such premises for the purpose or purposes for

which it was designed, and in connection with such use may, as a group, order in advance and obtain or be served a meal therein.

"Convention center" as used in this section, means a building or group of buildings in close physical proximity consisting of, but not necessarily limited to, a convention hall, exhibit hall, auditorium, or theater, or any combination thereof, and used for the purpose, among other things, of providing facilities for conventions, theatrical productions, shows, sporting centers, exhibits, displays, conferences or meetings.

Nothing in this section shall be construed to require that meals be served every day that use is made of the premises or any part thereof. However, meals shall actually be available to groups of guests in good faith upon adequate notice and request to the operators of such premises on any day of any year that such premises are used by such groups of guests, and shall be served to groups of guests as heretofore provided on at least 25 percent of the total days each year that the premises are used by said groups of guests.

Nothing in this section shall be construed to require that any food be sold or purchased with any alcoholic beverage.

SEC. 2. Section 23396 of the Business and Professions Code is amended to read:

23396. Any on-sale license authorizes the sale of the alcoholic beverage specified in the license for consumption on the premises where sold. No alcoholic beverages, other than beers, may be sold or served in any bona fide public eating place for which an on-sale license has been issued unless the premises comply with the requirements prescribed in Section 23038 or 23038.1.

CHAPTER 861

An act to amend Section 1 of Chapter 1526 of the Statutes of 1965, relating to state land.

[Approved by Governor July 31, 1968 Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1526 of the Statutes of 1965 is amended to read:

Section 1. The Director of General Services is hereby authorized to sell, exchange, or otherwise dispose of, for current market value and upon such terms and conditions and with such reservations and exceptions as in his opinion may be for the best interest of the state, all or any part of the following real property:

Parcel 1. Approximately 6.3 acres in Napa County lying at the northeast corner of Silverado Trail and Rector Creek

approximately two miles north of Yountville being a portion of the old state farm property under the control of the Department of Veterans Affairs.

Parcel 2. Approximately 6.3 acres in the City of Los Angeles lying between the abandoned portion of the Pacific Coast Highway and the relocated portion of the Pacific Coast Highway being a portion of the Will Rogers' Beach State Park under the control of the Department of Parks and Recreation.

Parcel 4. A strip of land approximately two feet wide along the southerly boundary line of the Department of Employment office in the City of San Bernardino.

Parcel 5. Approximately 20 acres in the County of Butte, being the northerly portion of the existing Division of Forestry, Paradise Forest Fire Station.

Parcel 6. Approximately one acre in the County of Santa Clara, City of Santa Clara, located on North Winchester Boulevard, being the office building and parking lot for the Department of Veterans Affairs.

Parcel 7. Approximately 8,000 square feet in the County of Los Angeles, City of Long Beach, located west of the west line of an extension of Loma Avenue to the south line of Stearns Street, being a portion of the existing Military Department, National Guard facilities.

CHAPTER 862

An act to add Section 27296 to the Government Code, relating to county recorders.

[Approved by Governor July 31, 1968 Filed with Secretary of State July 31, 1968]

The people of the State of California do enact as follows:

SECTION 1. Section 27296 is added to the Government Code, to read:

27296. The county recorder in each county shall complete a monthly statistical report of documents filed and recorded on the form herein described. Such a report shall be submittted to the office of the Insurance Commissioner. The county recorder may either charge for copies of this report or may disburse the report without fee for public information. Certified and noncertified copies of any records issued by the county recorder shall not be included in this report.

The standard statistical report form shall be substantially as follows:

Documents Recorded and Filed

Month/Year

Abstracts of Judgment _____
Affidavits _____
Agreements _____
Assignments _____
Court Decrees _____
Deeds _____
Deeds of Trust and Mortgages _____
Executions and Attachments _____
Leases _____
Maps (Assessment) (Parcel) (Survey) _____
Mechanics Liens _____
Military Discharges _____
Miscellaneous Documents _____
Notices of Mining Location _____
Notices of Completion _____
Notices of Default _____
Notices (Miscellaneous) (Bulk Transfer) (Nonresponsibility) (Power of Attorney) _____
Proofs of Labor of Annual Assessment Work—Mining Claims _____
Reconveyances _____
Releases _____
Subdivision Maps _____
Trustee's Deeds _____
Tax Liens (Federal) _____
Tax Liens (State) (County) (City) (All Others) _____
U.C.C. Filings
Financing Statements Assignments, Amendments, Continuations, Others _____
Releases and Terminations _____

Vital Statistics

Month/Year

Births _____
Deaths _____
Marriages _____

CHAPTER 863

An act to amend Section 10209 of the Insurance Code, relating to group life insurance.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 10209 of the Insurance Code is amended to read:

10209. Except as provided by Sections 10203.5, 10203.6 and 10203.8, the policy shall contain a provision that the

insurer will issue to the employer for delivery to the insured employee an individual certificate setting forth:

(a) A statement as to the insurance protection to which the employee is entitled and to whom payable.

(b) A provision that if the employment terminates for any reason whatsoever and the employee applies to the insurer within 31 days after such termination, paying the premium applicable to the class of risk to which he belongs and to the form and amount of the policy at his then attained age, he is entitled, without producing evidence of insurability, to the issue by the insurer of any individual life policy in any one of the forms, other than term insurance, customarily issued by the insurer.

(c) A statement that such policy in lieu of group insurance will be in an amount equal to the amount of his protection under such group insurance at the time of such termination.

(d) A provision that if the employee dies during the 31-day period within which he is entitled to have an individual policy issued to him in accordance with this section and before any such policy shall have become effective, the amount of life insurance which the employee is entitled to have issued to him under such individual policy shall be payable as a claim under the group policy, whether or not application for the individual policy or the payment of the first premium therefor has been made.

If any employee insured under a group life insurance policy delivered in this state becomes entitled under the terms of such policy to have an individual policy of life insurance issued to him without evidence of insurability, subject to making of application and payment of the first premium within the period specified in such policy, and if such employee is not given notice of the existence of such right at least 15 days prior to the expiration date of such period, then, in such event the employee shall have an additional period within which to exercise such right, but nothing herein contained shall be construed to continue any insurance beyond the period provided in such policy. This additional period shall expire 25 days next after the employee is given such notice but in no event shall such additional period extend beyond 60 days next after the expiration date of the period provided in such policy. Written notice presented to the employee or mailed by the policyholder to the last-known address of the employee or mailed by the insurer to the last-known address of the employee as furnished by the policyholder shall constitute notice for the purpose of this section.

The provisions of (b) and (d) and the preceding paragraph shall apply to any insurance issued pursuant to Section 10203.4 on the life of a spouse of an employee.

The contract of insurance and individual certificate may contain provisions defining the extent to which the employer acts as the agent of the employee or may act as the agent of the insurer.

CHAPTER 864

An act to amend Sections 22454, 22600, 22604, 22605, 22608 and 22615 of, to add Sections 22209 and 22615.5 to, and to repeal Sections 22209 and 22607 of, the Financial Code, relating to personal property brokers.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 22454 of the Financial Code is amended to read:

22454. Except as provided in Article 3 (commencing with Section 22480) of this chapter, all charges on loans made under this division shall be computed and paid only as a percentage per month of the unpaid principal balance or portions thereof, and shall be so expressed in every obligation signed by the borrower. The charges on loans shall be computed on the basis of the number of days actually elapsed, for the purpose of which computations a month is any period of 30 consecutive days. The loan contract shall provide for payment of the aggregate amount contracted to be paid in substantially equal periodical installments, the first of which shall be due not less than 15 days nor more than 1 month and 15 days from the date the loan is made.

SEC. 2. Section 22607 of the Financial Code is repealed.

SEC. 3. Section 22209 of the Financial Code is repealed.

SEC. 4. Section 22209 is added to the Financial Code, to read:

22209. The commissioner may by regulation require licensees to file at such times as he may specify such information as he may reasonably require regarding any changes in the information provided in any application filed pursuant to this division.

SEC. 5. Section 22600 of the Financial Code is amended to read:

22600. Licenses issued under this division remain in force and effect until they are surrendered, revoked, or suspended.

SEC. 6. Section 22604 of the Financial Code is amended to read:

22604. The power of investigation and examination by the commissioner is not terminated by the surrender, suspension, or revocation of any license issued by him.

SEC. 7. Section 22605 of the Financial Code is amended to read:

22605. Whenever the commissioner deems it necessary for the general welfare of the public, he has continuous authority to exercise the powers set forth in this division whether or not an application for a license has been filed with the commissioner, any license has been issued, or if issued, has been suspended or revoked.

SEC. 8. Section 22608 of the Financial Code is amended to read:

22608. The actual cost of each examination of a licensee or a person subject to this division shall be paid to the commissioner by the licensee or person examined, and the commissioner may maintain an action for the recovery of such costs in any court of competent jurisdiction. For the purpose of this section only, no person other than a licensee shall be deemed to be a person subject to this division unless and until such person is determined to be a person subject to this division by an administrative hearing in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code or by a judicial hearing in any court of competent jurisdiction.

SEC. 9. Section 22615 of the Financial Code is amended to read:

22615. The commissioner shall suspend or revoke any license, upon notice and reasonable opportunity to be heard, if he finds any of the following:

(a) That the licensee has failed to maintain in effect the bonds required under this division, or to comply with any demand, ruling, or requirement of the commissioner made pursuant to and within the authority of this division.

(b) That the licensee has violated any provision of this division or any rule or regulation made by the commissioner under and within the authority of this division.

(c) That any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the commissioner in refusing originally to issue the license.

SEC. 10. Section 22615.5 is added to the Financial Code, to read:

22615.5. The commissioner may by order summarily suspend or revoke the license of any licensee if he fails to pay the fee required by Section 22208 within 10 days after notice by the commissioner that such fee is due and unpaid. If, after such an order is made, a request for hearing is filed in writing and hearing is not held within 60 days thereafter, the order is deemed rescinded as of its effective date.

CHAPTER 865

An act to amend Sections 17207, 17209, 17209.2, 17212, 17405.1, 17600, and 17608 of, to add Sections 17211, 17212.1, 17406 and 17608.1 of, and to repeal Sections 17211 and 17406 of, the Financial Code, relating to escrows.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 17207 of the Financial Code is amended to read:

17207. The commissioner shall charge and collect the following fees:

(a) For filing an application for an escrow agent's license, two hundred dollars ($200) for the first office or location and seventy dollars ($70) for each additional office or location.

(b) For filing an application for a duplicate of an escrow agent's license lost, stolen, destroyed, or for replacement, upon a satisfactory showing of such loss, theft, destruction, or surrender of certificate for replacement, two dollars ($2).

(c) For investigation services in connection with each application, one hundred dollars ($100), and for investigation services in connection with each additional office application, one hundred dollars ($100).

(d) For holding a hearing in connection with the application, as set forth under Section 17209.2, the actual costs experienced in each particular instance.

SEC. 2. Section 17209 of the Financial Code is amended to read:

17209. An application for a license as an escrow agent shall be signed and verified by an authorized officer of the applicant, and said application shall be accompanied by a copy of the articles of incorporation and a copy of the bylaws of the proposed licensee. The application shall set forth:

(a) The names and addresses of the incorporators, directors, and officers, with a statement of their character, experience, and general fitness to engage in the escrow business.

(b) An itemized statement of the estimated receipts and expenditures of the proposed first year of operations.

(c) An audited financial statement showing compliance with Section 17210

(d) A showing that the public convenience and advantage will be promoted by the establishment of the proposed licensee.

(e) The name and address of the person, or persons, meeting the requirements of Section 17200.8, and a statement supporting such persons' qualifications.

(f) Any other matters the commissioner may require

SEC. 3. Section 17209 2 of the Financial Code is amended to read:

17209 2. Before issuing a license for any escrow agent application, or any branch office location for an existing license, the commissioner shall allow a period of not less than 15 days to elapse between the time of giving the notice required under Section 17209.1 and his actual approval or issuance of license. The commissioner may or may not require an applicant to submit to an appropriate hearing. If a hearing is held the commissioner shall, on or before 10 days prior to the hearing, mail notice thereof to the applicant and to each licensed escrow agent in this state. At such hearing any interested person may show cause either in favor of, or opposed to, the application.

SEC. 4. Section 17211 of the Financial Code is repealed.

SEC. 5. Section 17211 is added to the Financial Code, to read:

17211. Each licensed escrow agent shall, in order to keep its license in effect, pay for each calendar year following the calendar year in which such license was secured, an annual fee of two hundred dollars ($200) for the first office or location and seventy dollars ($70) for each additional office or location on or before the 20th day of December of the year preceding the calendar year for which such fee is payable.

SEC. 6. Section 17212 of the Financial Code is amended to read:

17212. An escrow agent's license upon which the annual fee has not been paid as provided in Section 17211 may be reinstated by a licensee at any time prior to the revocation thereof pursuant to Section 17608.1 by the same procedure as set forth in Section 17211, plus a payment to the commissioner of a penalty equal to one-half of the annual license fee or fees involved.

SEC. 7. Section 17212.1 is added to the Financial Code, to read:

17212.1. The commissioner may by regulation require licensees to file at such times as he may specify such information as he may reasonably require regarding any changes in the information provided in any application filed pursuant to this division.

SEC. 8. Section 17405.1 of the Financial Code is amended to read:

17405.1. The actual cost of every inspection and examination of a licensee or other person subject to this division shall be paid to the commissioner by the licensee or person examined, and the commissioner may maintain an action for the recovery of such costs in any court of competent jurisdiction.

For the purposes of this section only, no person other than a licensee shall be deemed to be a person subject to this division unless and until such person is determined to be a person subject to this division by an administrative hearing in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code or by a judicial hearing in any court of competent jurisdiction.

SEC. 9. Section 17406 of the Financial Code is repealed.

SEC. 10. Section 17406 is added to the Financial Code, to read:

17406. (a) Each licensee shall submit to the commissioner, at such licensee's own expense, an audit report containing audited financial statements covering the calendar year or, if such licensee has an established fiscal year, then for such fiscal year, within 105 days after the close of each such calendar or fiscal year. At such time, each licensee shall also file such additional relevant information as the commissioner may require.

(b) Within 30 days after receipt of a request from the commissioner, a licensee or other person subject to this division

shall submit to the commissioner, at such person's own expense, an audit report containing audited financial statements covering the 12 calendar months next preceding the month of receipt of the request, or such other period as the commissioner may require. Unless the public interest shall otherwise require, the commissioner shall exempt a licensee from the provisions of subdivision (a) hereof in whole or in part if such licensee has complied with a request pursuant to this subdivision as of a date within the calendar or fiscal year for which such exemption is granted.

(c) A licensee whose license has been surrendered or revoked shall submit to the commissioner, at its own expense, on or before 105 days after the effective date of such surrender or revocation, a closing audit report containing audited financial statements as of such effective date for the 12 months ending with such effective date, or for such other period as the commissioner may specify. Such report shall include the information required by subdivision (a) of this section and other relevant information specified by the commissioner. A licensee who has complied with this subdivision is exempted from subdivision (a) of this section.

(d) The reports and financial statements referred to in subdivisions (a), (b), and (c) of this section shall include at least a balance sheet and a statement of income for the year ended on the balance sheet date together with such other relevant information as the commissioner may require, and shall be prepared in accordance with generally accepted accounting principles by an independent certified public accountant or independent public accountant. The audits shall be conducted in accordance with generally accepted auditing standards and the rules and regulations of the commissioner.

(e) A licensee shall make other special reports to the commissioner as the commissioner may from time to time require.

(f) For good cause and upon written request, the commissioner may extend the time for compliance with subdivisions (a), (b) and (c) of this section.

(g) A licensee shall, when requested by the commissioner, submit its unaudited financial statements, prepared in accordance with generally accepted accounting principles and consisting of at least a balance sheet and statement of income and expense as of the date and for the period specified by the commissioner. The commissioner may require the submission of such reports on a monthly or other periodic basis.

(h) If the report, certificate, or opinion of the independent accountant referred to in subdivision (d) hereof is in any way qualified, the commissioner may require the licensee to take such action as he deems appropriate to permit an independent accountant to remove such qualifications from the report, certificate or opinion.

(i) The commissioner may reject any financial statement, report, certificate or opinion by notifying the licensee or other person required to make such filing of its rejection and the

cause thereof. Within 30 days after the receipt of such notice, the licensee or other person shall correct such deficiency and the failure so to do shall be deemed a violation of this division The commissioner shall retain a copy of all filings so rejected

(j) The commissioner may make rules and regulations specifying the form and content of the reports and financial statements referred to in this section and may require that such reports and financial statements be verified by the licensee in such manner as he may prescribe.

SEC 11. Section 17600 of the Financial Code is amended to read:

17600. An escrow agent's license remains in effect until surrendered, revoked, or suspended.

SEC. 12. Section 17608 of the Financial Code is amended to read:

17608. The commissioner may, after notice and a reasonable opportunity to be heard, suspend or revoke any license if he finds that:

(a) The licensee has failed to maintain in effect a bond required under the provisions of this division.

(b) The licensee has violated any provision of this division or any rule or regulation made by the commissioner under and within the authority of this division.

(c) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the commissioner in refusing originally to issue such license.

SEC. 13. Section 17608 1 is added to the Financial Code, to read:

17608 1. The commissioner may by order summarily suspend or revoke the license of a licensee who fails to pay the fee required by Section 17211 within 10 days after notice by the commissioner that such fee is due and unpaid If after such an order is made, a request for hearing is filed in writing and hearing is not held within 60 days thereafter, the order is rescinded as of its effective date.

SEC 14. The fees payable to the commissioner pursuant to Section 5 of this act shall be paid in the amounts specified therein in order to maintain licenses in effect for the 1969 calendar year

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CHAPTER 866

An act to amend Section 28408 of, to add Sections 28405 and 28406 to and to repeal Sections 28405 and 28406 of, the Corporations Code, relating to retirement systems.

[Approved by Governor July 31, 1968 Filed with Secretary of State July 31, 1968]

The people of the State of California do enact as follows:

SECTION 1. Section 28405 of the Corporations Code is repealed.

SEC. 2. Section 28405 is added to the Corporations Code, to read:

28405. (a) For the purpose of discovering violations of this division or securing information required by him, the commissioner may at any time investigate the affairs and examine the books, accounts, records and files used in the business of every company engaged in business as a retirement system, whether such company acts or claims to act under or without authority of this division. For the purposes of examination and investigation, the commissioner and his duly designated representatives shall have free access to the offices and places of business, books, accounts, papers, records, files, safes and vaults of all such companies.

(b) If the commissioner has not examined a retirement system or received a report therefrom pursuant to Section 28406 during any two consecutive calendar years, he shall request a report from such retirement system in accordance with Section 28406 or perform an examination.

SEC. 3. Section 28406 of the Corporations Code is repealed.

SEC. 4. Section 28406 is added to the Corporations Code, to read:

28406. (a) If requested by the commissioner, a retirement system shall submit to the commissioner, at such retirement system's own expense, an audit report containing audited financial statements prepared in accordance with generally accepted accounting principles covering the calendar year or, if such retirement system has an established fiscal year, then for such fiscal year, within 105 days after the close of such calendar or fiscal year, together with such other relevant information as the commissioner may require.

(b) A retirement system whose license has been surrendered or revoked shall, if requested by the commissioner, submit on or before 105 days after the effective date of such surrender or revocation, a closing audit report containing audited financial statements as of such effective date covering the period subsequent to the audited financial statements last submitted to the commissioner by such retirement system. Such report shall include the information required by the commissioner pursuant to subdivision (a) of this section and such other relevant information as the commissioner may require.

(c) Each retirement system shall make other special reports to the commissioner as the commissioner may from time to time require.

(d) The reports and audited financial statements referred to in subdivisions (a) and (b) shall include at least a balance sheet and a statement of income for the year ended on the balance sheet date, together with such other relevant information as the commissioner may require, and shall be prepared by an independent certified public accountant or independent public accountant. The audit shall be conducted in accordance with generally accepted auditing standards and the rules and regulations of the commissioner.

(e) If the report, certificate or opinion of the independent accountant furnished pursuant to subdivision (d) is in any way qualified, the commissioner may require the retirement system to take such action as he deems appropriate to permit an independent accountant to remove such qualification from such report, certificate or opinion.

(f) The commissioner may reject any financial statement, report, certificate or opinion filed pursuant to this section by notifying the retirement system of such rejection and the cause thereof. Within 30 days after the receipt of such notice, the retirement system shall correct such deficiency, and the failure so to do shall be deemed a violation of this division.

(g) The commissioner may by rule or regulation specify the form and content of the reports and financial statements required to be filed pursuant to this section, and may require that such reports and financial statements be verified by the retirement systems in such manner as he may prescribe.

SEC. 5. Section 28408 of the Corporations Code is amended to read:

28408. The actual cost of every examination of a licensee or of a retirement system subject to this division shall be paid to the commissioner by the licensee or retirement system examined, and the commissioner may maintain an action for the recovery of such costs in any court of competent jurisdiction. If a retirement system refuses or neglects to pay the expense of examination within 30 days after mailing of invoice therefor, the commissioner may refuse to issue a license to the system or may by order revoke any existing license which it has. If, after such an order is made, a request for a hearing is filed in writing and a hearing is not held within 60 days thereafter, the order is deemed rescinded as of its effective date.

For the purposes of this section only, no retirement system other than a licensee shall be deemed to be subject to this division unless and until such retirement system is determined to be subject to this division by an administrative hearing in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code or by a judicial hearing in any court of competent jurisdiction. The provisions of this section shall not be applicable to a retirement system exempted by Chapter 2 (commencing with Section 28100) of this division.

CHAPTER 867

An act to amend Sections 15104 and 15812 of the Financial Code, relating to credit unions, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 31, 1968 Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 15104 of the Financial Code is amended to read:

15104. (a) Whenever the losses of any such credit union resulting from a depreciation in the value of its securities or otherwise exceed its undivided earnings and reserve fund so that the estimated value of its assets is less than the total amount due its shareholders, the credit union may, by a three-fourths vote of the entire membership at a meeting called to consider the matter order a reduction of the liability to each of its shareholders, so as to divide the loss equitably among such shareholders. If thereafter the credit union shall realize from such assets a greater amount than was fixed in the order of reduction, such excess shall be divided among the shareholders whose assets were reduced, but to the extent of such reduction only.

(b) The commissioner may approve a reduction in the liability on shares approved by less than three-fourths of the entire membership as provided in subdivision (a) if he finds, upon the written and verified application filed by the board of directors, that (1) notice of the meeting called to consider the question was mailed to each member entitled to vote upon said question, (2) such notice disclosed the purpose of the meeting and properly informed the membership that approval of such reduction in liability might be sought pursuant to this subdivision, and (3) that a majority of the votes cast upon the question were in favor of such reduction in liability.

SEC. 2. Section 15812 of the Financial Code is amended to read:

15812. On taking possession of the business and assets of any credit union as provided in this chapter, the commissioner may proceed to liquidate the credit union in the manner provided by Division 1 (commencing with Section 99) of this code or he may appoint a liquidating agent or a liquidating committee of three members of the credit union to liquidate the business and assets of the credit union in the manner provided in Article 2 (commencing with Section 15650) of Chapter 7 of this division, except that in lieu of the certificate required under Section 15652 the commissioner shall prepare and file in the office of the Secretary of State a certificate of commencement of liquidation proceedings upon taking possession of the business and assets, and the commissioner or his authorized deputy shall countersign the certificate referred to in Sections 15657 and 15658 whenever liquidation is involuntary. The commissioner may, however, prepare and file such final certificate whenever he retains possession of the assets of any credit union for the purpose of liquidation. The liquidating agent need not be a member of the credit union to be liquidated and may be a person, firm or corporation as determined by the commissioner.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are:

There is an urgent need for a clarification of the law relating to the certificates which must be filed when a credit union is being liquidated in order to facilitate the prompt and efficient completion of presently pending proceedings for the liquidation of credit unions. There is urgent need to facilitate voluntary recapitalizations on the part of distressed credit unions, particularly those organized by low-income groups, in order to attract needed financial aid to such credit unions and to return them to a normal operating status. It is therefore imperative that this act take effect immediately.

CHAPTER 868

An act to amend Sections 24600, 24604 and 24609 of, to add Sections 24209 and 24609.1 to, and to repeal Sections 24209 and 24603 of, the Financial Code, relating to small loan licensing.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 24603 of the Financial Code is repealed.

SEC. 2. Section 24604 of the Financial Code is amended to read:

24604. The actual cost of each examination of a licensee or a person subject to this division shall be paid to the commissioner by the licensee or person examined, and the commissioner may maintain an action for the recovery of such costs in any court of competent jurisdiction. For the purpose of this section only, no person other than a licensee shall be deemed to be a person subject to this division unless and until such person is determined to be a person subject to this division by an administrative hearing in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code or by a judicial hearing in any court of competent jurisdiction.

SEC. 3. Section 24209 of the Financial Code is repealed.

SEC. 4. Section 24209 is added to the Financial Code, to read:

24209. The commissioner may by regulation require licensees to file at such times as he may specify such information as he may reasonably require regarding any changes in the information provided in any application filed pursuant to this division.

SEC. 5. Section 24600 of the Financial Code is amended to read:

24600. Licenses remain in force and effect until they are surrendered, revoked, or suspended.

SEC. 6 Section 24609 of the Financial Code is amended to read:

24609. The commissioner shall, upon notice and reasonable opportunity to be heard, suspend or revoke any license if he finds any of the following.

(a) That the licensee has failed to maintain in effect the bond or bonds required under this division, or to comply with any demand, ruling, or requirement of the commissioner made pursuant to and within the authority of this division.

(b) That the licensee has violated any provision of this division or any rule or regulation made by the commissioner under and within the authority of this division.

(c) That any fact or condition exists which, if it had existed at the time of the original application for such license reasonably would have warranted the commissioner in refusing originally to issue the license.

SEC. 7. Section 24609.1 is added to the Financial Code, to read.

24609.1. The commissioner may by order summarily suspend or revoke the license of any licensee if he fails to pay the annual fee prescribed by Section 24208 within 10 days after notice by the commissioner that such fee is due and unpaid. If, after such an order is made, a request for hearing is filed in writing and hearing is not held within 60 days thereafter, the order is deemed rescinded as of its effective date.

CHAPTER 869

An act to amend Sections 12214, 12306, and 12400 of, to add Sections 12220, 12304, and 12401.1 to, and to repeal Sections 12220 and 12304 of, the Financial Code, relating to regulations of check sellers and cashers.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 12214 of the Financial Code is amended to read:

12214. An applicant at the time of filing an application for a license under this division shall pay to the commissioner the sum of fifty dollars ($50) as a fee for investigating the application and the additional sums of one hundred dollars ($100) as a license fee for its principal office or place of business, twenty dollars ($20) for each branch office or mobile unit, and three dollars ($3) for each agency. Thereafter, every licensee shall, in order to keep such license in effect, pay for each calendar year following the calendar year in which such license was secured, an annual fee of one hundred dollars ($100) for its principal office or place of business, twenty dollars ($20) for

each branch office or mobile unit, and three dollars ($3) for each agency on or before the 15th day of December of the year preceding the calendar year for which such fee is payable. A mobile unit may only be operated as a branch office of a licensee and each mobile unit shall constitute a branch office.

SEC. 2. Section 12220 of the Financial Code is repealed.

SEC. 3. Section 12220 is added to the Financial Code, to read:

12220. The commissioner may by regulation require licensees to file at such times as he may specify such information as the commissioner may reasonably require regarding any changes in the information provided in any application filed pursuant to this division.

SEC. 4. Section 12304 of the Financial Code is repealed.

SEC. 5. Section 12304 is added to the Financial Code, to read:

12304. (a) Each licensee, except a special prorater, shall submit to the commissioner, at such licensee's own expense, an audit report containing audited financial statements covering the calendar year or, if such licensee has an established fiscal year, then for such fiscal year, within 105 days after the close of each such calendar or fiscal year. At such time, each licensee shall also file such additional relevant information as the commissioner may require.

(b) Within 30 days after receipt of a request from the commissioner, a licensee or other person subject to this division shall submit to the commissioner, at such person's own expense, an audit report containing audited financial statements covering the 12 calendar months next preceding the month of receipt of the request, or such other period as the commissioner may require. Unless the public interest shall otherwise require, the commissioner shall exempt a licensee from the provisions of subdivision (a) hereof, in whole or in part, if such licensee has complied with a request pursuant to this subdivision (b) for financial statements as of a date within the calendar or fiscal year for which such exemption is granted.

(c) A licensee whose license has been surrendered or revoked shall submit to the commissioner, at its own expense, on or before 105 days after the effective date of such surrender or revocation, a closing audit report containing audited financial statements as of such effective date for the 12 months ending with such effective date, or for such other period as the commissioner may specify. Such report shall include the information required by subdivision (a) of this section and other relevant information specified by the commissioner. A licensee who has complied with this subdivision is exempted from subdivision (a) hereof.

(d) The reports and financial statements referred to in subdivisions (a), (b), and (c) of this section shall include at least a balance sheet and a statement of income for the year ended on the balance sheet date together with such other relevant

information as the commissioner may require, and shall be prepared in accordance with generally accepted accounting principles by an independent certified public accountant or independent public accountant. The audits shall be conducted in accordance with generally accepted auditing standards and the rules and regulations of the commissioner.

(e) A licensee shall make other special reports to the commissioner as the commissioner may from time to time require.

(f) For good cause and upon written request, the commissioner may extend the time for compliance with subdivisions (a), (b) and (c) of this section.

(g) A licensee shall, when requested by the commissioner, for good cause, submit its unaudited financial statement, prepared in accordance with generally accepted accounting principles and consisting of at least a balance sheet and statement of income as of the date and for the period specified by the commissioner. The commissioner may require the submission of such reports on a monthly or other periodic basis.

(h) If the report, certificate or opinion of the independent accountant referred to in subdivision (d) hereof is in any way qualified, the commissioner may require the licensee to take such action as he deems appropriate to permit an independent accountant to remove such qualification from the report, certificate or opinion.

(i) The commissioner may reject any financial statement, report, certificate or opinion filed pursuant to this section by notifying the licensee or other person required to make such filing of its rejection and the cause thereof. Within 30 days after the receipt of such notice, the licensee or other person shall correct such deficiency, and the failure so to do shall be deemed a violation of this division. The commissioner shall retain a copy of all filings so rejected.

(j) The commissioner may make rules and regulations specifying the form and content of the reports and financial statements referred to in this section, and may require that such reports and financial statements be verified by the licensee in such manner as he may prescribe.

SEC. 6. Section 12306 of the Financial Code is amended to read:

12306. The actual cost of every examination of a licensee or other person subject to this division shall be paid to the commissioner by the licensee or person examined, and the commissioner may maintain an action for the recovery of such costs in any court of competent jurisdiction. For the purposes of this section only, no person other than a licensee shall be deemed to be a person subject to this division unless and until such person is determined to be a person subject to this division by an administrative hearing in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code or by a judicial hearing in any court of competent jurisdiction.

SEC. 7. Section 12400 of the Financial Code is amended to read:

12400 The commissioner may, upon reasonable opportunity to be heard, suspend or revoke any license issued pursuant to this division, if he finds that:

(a) The licensee has failed to report within 10 days the establishment of a mobile unit, branch office, or agency location, or has failed upon demand of the commissioner pursuant to Section 12301.4 of this code to terminate and cancel any agency

(b) The licensee has violated any provision of this division or any rule or regulation made by the commissioner under and with the authority of this division

(c) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the commissioner in refusing originally to issue such license

SEC 8. Section 12401.1 is added to the Financial Code, to read:

12401 1 The commissioner may by order summarily suspend or revoke the license of a licensee who fails to pay the annual fee required by Section 12214 within 10 days after notice by the commissioner that such fee is due and payable. If, after such an order is made, a request for hearing is filed in writing and hearing is not held within 60 days thereafter, the order is rescinded as of its effective date

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CHAPTER 870

An act to amend Sections 18050, 18614, 18617, 18620, 18800, 18801, 18810, 18816, and 18818 of, to add Sections 18610, 18811.1, 18813, 18815.1, and 18857.1 to, and to repeal Sections 18610, 18804, and 18813 of, the Financial Code, relating to industrial loan companies.

[Approved by Governor July 31, 1968 Filed with Secretary of State July 31, 1968]

The people of the State of California do enact as follows:

SECTION 1. Section 18050 of the Financial Code is amended to read:

18050. Corporations subject to this division are subject to the provisions and regulations of the Corporate Securities Law, Division 1 (commencing with Section 25000), Title 4, of the Corporations Code; provided, however, that such law shall not apply to the issuance or sale of investment certificates by a corporation subject to this division when authorized by the commissioner as provided in this division.

SEC. 2. Section 18610 of the Financial Code is repealed.

SEC. 3. Section 18610 is added to the Financial Code, to read:

18610. (a) On or before the 15th day of March of every year, each company shall file with the commissioner an audit report containing audited financial statements together with such other relevant information as the commissioner may require relating to the company and to each place of business of the company. The audited financial statements shall include a balance sheet of the company prepared as of the last day of the preceding calendar year and statements of income and of surplus for such calendar year.

(b) A company shall, when requested by the commissioner, submit its unaudited financial statements, prepared in accordance with generally accepted accounting principles and consisting of at least a balance sheet and a statement of income as of the date and for the period specified by the commissioner. The commissioner may require the submission of such reports on a monthly or other periodic basis.

(c) A company whose certificate has been surrendered or revoked shall, on or before 105 days after the effective date of such surrender or revocation, submit to the commissioner a closing audit report containing audited financial statements as of such effective date for the 12 months ending with such effective date, or for such other period as the commissioner may specify. Such report shall include the information required by subdivision (a) of this section and other relevant information specified by the commissioner. A company which has complied with this subdivision is exempted from the provisions of subdivision (a).

(d) The reports and financial statements referred to in subdivisions (a) and (c) shall be prepared in accordance with generally accepted accounting principles by an independent certified public accountant or independent public accountant, and shall contain such relevant information as the commissioner may require. The audits shall be conducted in accordance with generally accepted auditing standards and the rules and regulations of the commissioner.

(e) A company shall make other special reports to the commissioner as the commissioner may from time to time require.

(f) For good cause and upon written request, the commissioner may extend the time for compliance with subdivisions (a) and (c).

(g) For the purposes of the composite report provided for by Section 18611, each company shall furnish statistical information as is reasonably required by the commissioner, including information for each place of business of the company and as to any parent, subsidiary or affiliated company. An affiliated company is a company under substantially the same management or control, directly or indirectly, as the company.

(h) If the report, certificate or opinion of the independent accountant referred to in subdivision (d) hereof is in any way

qualified, the commissioner may require the company to take such action as he deems appropriate to permit an independent accountant to remove such qualification from the report, certificate or opinion.

(i) The commissioner may reject any financial statement, report, certificate or opinion filed pursuant to this section by notifying the company required to make such filing of its rejection and the cause thereof. Within 30 days after the receipt of such notice, the company shall correct such deficiency, and the failure so to do shall be deemed a violation of this division. The commissioner shall retain a copy of all filings so rejected.

(j) The commissioner may by rule or regulation specify the form and contents of the financial statements, reports, certificates and opinions required to be filed pursuant to this section, and may require that such reports and financial statements be verified in such manner as he may prescribe.

(k) The commissioner may make available to any inquirer information contained in the reports filed pursuant to this section.

SEC. 4. Section 18614 of the Financial Code is amended to read:

18614. No industrial loan company shall have outstanding at any time its investment certificates (exclusive of those hypothecated with the company issuing them) in an aggregate sum in excess of the amount authorized by order of the commissioner issued pursuant to Section 18813, which in no event shall exceed 10 times the aggregate amount of its paid-up and unimpaired capital and such of its unimpaired surplus as is declared by a bylaw of the company (not to be amended without the written consent of the commissioner) to be not available for cash dividends.

SEC. 5. Section 18617 of the Financial Code is amended to read:

18617. No person shall advertise, print, display, publish, distribute, or broadcast, or cause or permit to be advertised, printed, displayed, published, distributed, or broadcast, in any manner any statement or representation with regard to the rates, terms, or conditions for making or negotiating loans, or with regard to investment certificates, which is false, misleading, or deceptive, or which refers to the supervision of such business by the state or any department or official thereof.

SEC. 6. Section 18620 of the Financial Code is amended to read:

18620. No advertising copy shall be used after its use has been disapproved by the commissioner and the industrial loan company is notified in writing of such disapproval. No company shall use any advertisement unless a true copy of the advertisement has been first filed in the office of the commissioner at least three days prior to such use.

SEC. 7. Section 18800 of the Financial Code is amended to read:

18800. The commissioner may establish rules and regulations which are reasonable and necessary to carry out the purposes and provisions of this division, including rules and regulations concerning the terms, form, offer, and sale of investment certificates.

SEC. 8. Section 18801 of the Financial Code is amended to read:

18801. Except as provided in Section 18050, nothing in this division shall be construed as affecting in any manner the power or discretion of the commissioner under the Corporate Securities Law or any other law of this state.

SEC. 9. Section 18804 of the Financial Code is repealed.

SEC. 10. Section 18810 of the Financial Code is amended to read:

18810. Each industrial loan company shall pay to the commissioner in advance its pro rata share of all costs and expenses, reasonably incurred in the administration of this division, as estimated by the commissioner for the ensuing year. The pro rata share shall be the proportion which a company's assets bear to the aggregate assets of all companies as shown by the latest annual reports of such companies to the commissioner. The pro rata share shall not include the costs of any examinations provided for in Section 18808, unless they cannot be collected from the company examined.

SEC. 11. Section 18811.1 is added to the Financial Code, to read:

18811.1. If an industrial loan company or premium finance agency fails to pay the assessment provided in Section 18810 on or before the 30th day of December following the day upon which payment is due, the commissioner may by order summarily suspend or revoke the certificate issued to such company. If, after such an order is made, a request for hearing is filed in writing and a hearing is not held within 60 days thereafter, the order is deemed rescinded as of its effective date. During any period when its certificate is revoked or suspended a company shall not issue thrift certificates or make loans or otherwise conduct business pursuant to this division except as may be permitted by order of the commissioner; provided, however, that neither the revocation, suspension or surrender of a certificate shall affect the powers of the commissioner as provided in this division.

This section shall become operative January 1, 1969. For the purpose of making its provisions operative the commissioner shall issue to all industrial loan companies authorized to conduct business under this division on said date a certificate of authorization to conduct business pursuant to this division in such form as the commissioner may prescribe and as provided in Section 18200.5, and thereafter all such companies shall be conclusively presumed to be conducting business under this division pursuant to such certificate of authorization.

SEC. 12. Section 18813 of the Financial Code is repealed.

SEC. 13. Section 18813 is added to the Financial Code, to read:

18813. (a) When authorized to conduct business pursuant to this division, an industrial loan company may sell and issue its investment certificates in the form and upon the terms approved by the commissioner, and subject to the provisions of this division. The commissioner may, by written order directed to a company or by rule or regulation, impose such terms and conditions upon investment certificates and the sale or redemption thereof or the payment of interest thereon, as he deems reasonable and necessary or advisable for the protection of the company or the public, and he may from time to time in his discretion amend, alter or revoke any such order or regulation or any condition or provision thereof.

(b) Any change in the form, terms, or provisions of outstanding investment certificates or in the rights, privileges, or restrictions upon the holder or issuer thereof is deemed a sale and issuance of investment certificates and is subject to the prior approval of the commissioner pursuant to subdivision (a) of this section.

(c) If at any time the commissioner is of the opinion that the further sale of investment certificates by a company would be unfair, unjust or inequitable to the purchasers of its investment certificates, the commissioner may, notwithstanding any other provision of this division, order the company to desist and refrain from the further sale of its investment certificates.

(d) The company named in any order issued pursuant to subdivision (a) or (c) of this section may, within 15 days after receipt thereof, file with the commissioner its written request for hearing. The filing of such request shall not operate to postpone or suspend the effectiveness of any order issued by the commissioner unless otherwise directed by the commissioner. The commissioner shall, within 15 days after the receipt of such written request or at such later time as may be mutually agreed with the company, cause such matter to be heard and shall thereafter issue his final decision. Such decision may be amended or set aside by the commissioner at any time.

(e) Every order or decision of the commissioner made pursuant to this section is subject to judicial review in accordance with law.

SEC. 14. Section 18815.1 is added to the Financial Code, to read:

18815.1. Whenever he is authorized to issue an order pursuant to Section 18814 or Section 18815 of this division, the commissioner may issue an order directing a company to discontinue or limit the sale of its investment certificates or to impound the proceeds from the sale of its investment certificates in such manner as the commissioner may specify in such order.

SEC. 15. Section 18816 of the Financial Code is amended to read:

18816. The orders given pursuant to Sections 18814, 18815, and 18815.1 shall require such company to show cause before the commissioner, at a time and place to be fixed by the commissioner, why the order should not be observed. If upon the hearing it appears to the commissioner that the order should be made final he shall do so.

SEC. 16. Section 18818 of the Financial Code is amended to read:

18818. Whenever it appears to the commissioner that:

(a) The capital of any industrial loan company is impaired;

(b) Any industrial loan company has violated its articles of incorporation or any law of this state;

(c) Any industrial loan company is conducting its business in an unsafe or unauthorized manner;

(d) Any industrial loan company refuses to submit its books, papers, and affairs to the inspection of any examiner;

(e) Any officer of any industrial loan company refuses to be examined upon oath touching the concerns of such industrial loan company;

(f) Any industrial loan company has suspended payment of its obligations;

(g) Any industrial loan company is in such condition that it is unsound or unsafe for it to transact business;

(h) Any industrial loan company neglects or refuses to observe any order of the commissioner made pursuant to Section 18814 or 18815.1 of this code unless the enforcement of such order is restrained in a proceeding brought by the industrial loan company; or

(i) Any industrial loan company has sold or issued investment certificates in violation of the provisions of this division; the commissioner may forthwith take possession of the property and business of such industrial loan company and retain possession until such industrial loan company resumes business or its affairs be finally liquidated as herein provided. Such industrial loan company, with the consent of the commissioner, may resume business upon such conditions as he may prescribe.

SEC. 17. Section 18857.1 is added to the Financial Code, to read:

18857.1. Any person who knowingly sells investment certificates in violation of any provision of this division or any order or regulation of the commissioner is guilty of a felony.

SEC. 18. Sections 1, 4, 5, 6, 7, 8, 12, 13, 14, 15, 16, and 17 of this act shall become operative on December 1, 1968.

CHAPTER 871

An act to add Sections 5010 and 9266 to the Vehicle Code, relating to temporary license plates.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 5010 is added to the Vehicle Code, to read:

5010. Notwithstanding any other provision of this code, when a motor vehicle which is leased to a school district for use as a schoolbus, as defined in Section 545, temporarily reverts to the possession and control of the lessor, and if the motor vehicle thereafter becomes subject to registration, the lessor may, as an alternative to such registration, secure a temporary permit to operate the vehicle in this state for any one or more calendar months. Such permit shall be posted upon the windshield or other prominent place upon the vehicle, and shall identify the vehicle for which it is affixed. When so affixed, such permit shall serve in lieu of registration. If such a lessor operates the motor vehicle under a temporary permit issued pursuant to this section, he shall notwithstanding the provisions of Section 5000 continue to display on the vehicle the exempt license plates issued to the vehicle as a schoolbus. Upon payment of the fees specified in Section 9266, the department may issue a temporary permit under this section.

SEC. 2. Section 9266 is added to the Vehicle Code, to read:

9266. The fee for a temporary permit issued under Section 5010 is one-tenth of the annual fees in Division 3 (commencing with Section 4000) of this code and Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code, for each calendar month that the vehicle is to be operated in this state. There shall be no proration of fees for any fraction of a calendar month.

CHAPTER 872

An act to amend Section 6550.6 of the Business and Professions Code, relating to barbering instructors.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 6550.6 of the Business and Professions Code is amended to read:

6550.6. Every person who holds a certificate of registration as an instructor in a barber college and is engaged as an in-

structor in a barber college shall attend a seminar on barbering, approved by the board, at least once every two years. The board may, however, excuse an instructor from attendance of a seminar until the next seminar upon showing of good cause, which shall include but is not limited to illness of or accident to the instructor. To be excused from a seminar the instructor shall make a written request to the board explaining his reason for nonattendance.

The board shall approve seminars based upon the subject matter given, the length of time devoted to each such subject, and the general manner in which conducted.

CHAPTER 873

An act to add Section 13653.1 to the Education Code, relating to classified employees.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 13653.1 is added to the Education Code, to read:

13653.1. Governing boards of school districts may allow classified employees with five or more years of service to interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, provided the employee supplies adequate notice and relevant supporting information regarding the basis for such interruption or termination.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

CHAPTER 874

An act to amend Section 6500 of the Government Code, relating to public agencies.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 6500 of the Government Code is amended to read:

6500. As used in this article, "public agency" includes the federal government or any federal department or agency,

this state, an adjoining state or any state department or agency, a county, county board of education, city, public corporation, or public district of this state or an adjoining state.

CHAPTER 875

An act to amend Section 362 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 362 of the Vehicle Code is amended to read:

362. A "house car" is a motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper has been permanently attached. A motor vehicle to which a camper has been temporarily attached is not a house car except that, for the purposes of Division 11 (commencing with Section 21000) and Division 12 (commencing with Section 24000), a motor vehicle equipped with a camper having an axle that is designed to support a portion of the weight of the camper unit shall be considered a three-axle house car regardless of the method of attachment or manner of registration. A house car shall not be deemed to be a motortruck.

CHAPTER 876

An act to add Section 3105.1 to the Business and Professions Code, relating to the practice of optometry.

[Approved by Governor July 31, 1968. Filed with Secretary of State July 31, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 3105.1 is added to the Business and Professions Code, to read:

3105.1. The use or consumption of alcoholic beverages by a person holding a certificate under this chapter to the extent or in such a manner as to be dangerous or injurious to such person or to any other person or to the public or to such an extent that such use or consumption impairs the ability of such person holding such certificate to conduct with safety to the public the practice authorized by such certificate or the conviction of such person holding such a certificate of more than one misdemeanor or any felony involving the use or consumption of alcoholic beverages constitutes unprofessional conduct.

CHAPTER 877

An act to add Chapter 11 (commencing with Section 8850) to Division 1 of Title 2 of the Government Code, relating to California Design Awards.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 11 (commencing with Section 8850) is added to Division 1 of Title 2 of the Government Code, to read:

CHAPTER 11. CALIFORNIA DESIGN AWARDS

8850. The Legislature hereby finds and declares that better environmental design is in the public interest and the furthering of better design by the state is in the best interests of the public.

8851. To encourage and promote better architectural and environmental design there is hereby established the California Design Awards.

8852. The California Design Awards shall consist of suitably prepared diplomas given in recognition of outstanding achievement in bettering the environment of the state. Such awards shall not be limited to designers and civic leaders, but shall also be given, as earned, to clients, both public and private. In the event an award is earned by a public agency, the award shall be given to the person, or persons, responsible, if possible of determination.

8853. The California Design Awards shall be made by the California Design Awards Committee, composed of seven persons who are experts in design or related fields, appointed by the Governor and who shall serve at his pleasure. The members of the committee shall serve without compensation, but shall receive actual and necessary expenses incurred in the performance of their duties as members of the committee.

8854. The first meeting of the committee shall be called by the member designated as chairman by the Governor and shall adopt the rules necessary for the operation of the committee, including the establishment of various categories for awards, the time, place and manner of making awards, and all other rules necessary and proper to the operation of the committee.

CHAPTER 878

An act to add Section 4854 to the Penal Code, relating to pardons.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 4854 is added to the Penal Code, to read:

4854. In the granting of a pardon to a person, the Governor may provide that such person is entitled to exercise the right to own, possess and keep any type of firearm that may lawfully be owned and possessed by other citizens; except that this right shall not be restored, and Sections 12001 and 12021 of the Penal Code shall apply, if the person was ever convicted of a felony involving the use of a dangerous weapon.

CHAPTER 879

An act to amend Section 225p of the Civil Code and to amend Section 16101 of, to add Chapter 2.2 (commencing with Section 16130) to Part 4, Division 9 of, and to repeal Sections 16102, 16103 and 16104 of, the Welfare and Institutions Code, relating to adoption services, and making an appropriation therefor.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 225p of the Civil Code is amended to read:

225p. Whenever a petition is filed for the adoption of a child who has been placed for adoption by a licensed county adoption agency or the State Department of Social Welfare, the county adoption agency or the State Department of Social Welfare may, at the time of filing a favorable report in the superior court, require the persons petitioning to become the adoptive parents to pay to the county agency, as agent of the state or the State Department of Social Welfare, a fee of five hundred dollars ($500). The county adoption agency or the State Department of Social Welfare may defer, waive or reduce the fee when its payment would cause economic hardship to the adoptive parents detrimental to the welfare of the adopted child.

Nothing in this section shall be construed to require the payment of such fee to a county in the case of an adoption resulting from the independent placement of a child.

SEC. 2. Section 16101 of the Welfare and Institutions Code is amended to read:

16101. The cost of administering the adoption programs undertaken by a county under license issued pursuant to Section 16100 of this code shall be borne by the state in the amount found necessary by the department for proper and efficient administration. The state shall reimburse the county for all such necessary administrative costs, after deducting therefrom the amount of fees collected by the county agency pursuant to Section 225p of the Civil Code.

SEC. 3. Section 16102 of the Welfare and Institutions Code is repealed.

SEC. 4. Section 16103 of the Welfare and Institutions Code is repealed.

SEC. 5. Section 16104 of the Welfare and Institutions Code is repealed.

SEC. 6. Chapter 2.2 (commencing with Section 16130) is added to Part 4, Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 2.2. STATE ADOPTION SERVICES

16130. In any county which does not have a county adoption agency established pursuant to Section 16100, the department may establish services incident to the relinquishment of children for adoption. The services shall be provided in such manner as may be deemed advisable by the department.

SEC. 7. The purpose of this act is to abolish the Special Deposit Fund for maternity care because this service can be primarily provided under the Medi-Cal program. It is the intent of the Legislature to expand the relinquishment adoption program to those counties where no county adoption agency exists and to expand the service in an orderly manner pursuant to the same plan that is used to implement the county adoption program through funding from the General Fund through the regular support budget of the State Department of Social Welfare. Funds for providing maternity care for persons who do not qualify under Medi-Cal shall also be provided through the department's adoption support budget.

Upon the effective date of this act, all funds remaining on deposit in the Special Deposit Fund for the purposes of providing for the expense of prenatal care, delivery and postnatal care of mothers shall revert to the State General Fund.

SEC. 8. There is hereby appropriated out of the General Fund to the Department of Social Welfare the sum of two hundred thousand dollars ($200,000) for the purposes of this act. These funds will be available as a result of the release of uncommitted funds under Section 16103 of the Welfare and Institutions Code.

CHAPTER 880

An act to add Section 1773.8 to the Labor Code, relating to public works contracts.

[Approved by Governor August 1, 1968 Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 1773.8 is added to the Labor Code, to read:

1773.8. The body awarding any contract for public work shall include in the specifications for the contract a requirement requiring the payment of travel and subsistence payments to each workman needed to execute the work, as such travel and subsistence payments are defined in the applicable collective bargaining agreements filed in accordance with this section.

To establish such travel and subsistence payments for contracts entered into with the state, each city, county and city and county, the representative of any craft, classification or type of workman needed to execute the contracts shall file with the Department of Industrial Relations fully executed copies of collective bargaining agreements for the particular craft, classification or type of work involved. Such agreements shall be filed within 10 days after their execution and thereafter shall establish such travel and subsistence payments whenever filed 30 days prior to the call for bids.

CHAPTER 881

An act to amend Section 767, and to repeal Section 768, of the Education Code, relating to salaries of the county superintendents of schools.

[Approved by Governor August 1, 1968 Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 767 of the Education Code is amended to read:

767. On the effective date of the amendment to this section adopted at the 1967 Regular Session of the Legislature, or as soon thereafter as practicable, the salaries of the county superintendents of schools shall be computed in the following manner.

For each of the eight classes of counties the amount which is the statewide average of teachers' salaries shall be multiplied by the amount which is the adjustment factor for the particular class of county, as prescribed by this section. The product

so obtained shall be the salary of the county superintendent of schools for a county within that class.

The adjustment factor for each of the eight classes of counties is set forth below opposite the class of county:

(a) Class one	3.561
(b) Class two	3.092
(c) Class three	2.717
(d) Class four	2.483
(e) Class five	2.249
(f) Class six	2.013
(g) Class seven	1.732
(h) Class eight	1.357

For the purposes of this section the statewide average of teachers' salaries shall be deemed to be eight thousand five hundred and eighty-two dollars ($8,582).

The cost of salaries of any county superintendents of schools required to be paid by this section shall be divided between the state and the respective county as follows: For counties within class one (1) the state shall pay sixty-five percent (65%) and the county shall pay thirty-five percent (35%); in all counties within class two (2), the state shall pay sixty-five percent (65%) and the county shall pay thirty-five percent (35%); for counties within class three (3) the state shall pay sixty-seven percent (67%) and the county shall pay thirty-three percent (33%); for counties within class four (4) the state shall pay sixty-eight percent (68%) and the county shall pay thirty-two percent (32%); for counties within class five (5) the state shall pay seventy percent (70%) and the county shall pay thirty percent (30%); for counties within class six (6) the state shall pay seventy-nine percent (79%) and the county shall pay twenty-one percent (21%); for counties within class seven (7) the state shall pay eighty-six percent (86%) and the county shall pay fourteen percent (14%); for counties within class eight (8) the state shall pay eighty-one percent (81%) and the county shall pay nineteen percent (19%).

SEC. 2. Section 768 of the Education Code is repealed.

CHAPTER 882

An act to amend Sections 680 and 2205 of, and to repeal Section 2202 of, the Public Resources Code, relating to the Division of Mines and Geology.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 680 of the Public Resources Code is amended to read:

680. The Division of Mines and Geology shall be administered under the supervision and direction of the director, in accordance with the state statutes and the policies prescribed by the board, through a chief who shall be known as the State Geologist. He shall be a technically trained geologist or engineer, possessing general knowledge of mineral resources, structural geology and related disciplines in science and engineering, appointed under provisions of the State Civil Service Act by the director upon nomination by the board.

SEC. 2. Section 2202 of the Public Resources Code is repealed.

SEC. 3. Section 2205 of the Public Resources Code is amended to read:

2205. The State Geologist may:

(a) Make, facilitate, and encourage special studies of the mineral resources, mineral industries, and geology of the state.

(b) Collect statistics concerning the occurrence and production of the economically important minerals and the methods pursued in making their valuable constituents available for commercial use.

(c) Make a collection of typical geological and mineralogical specimens, especially those of economic and commercial importance, such collection constituting the museum of the division.

(d) Provide a library of books, reports, and drawings bearing upon the mineral industries, the sciences of mineralogy and geology, and the arts of mining and metallurgy, such library constituting the library of the division.

(e) Make a collection of models, drawings, and descriptions of the mechanical appliances used in mining and metallurgical processes and geology.

(f) Preserve and so maintain such collections and library as to make them available for reference and examination, and open to public inspection at reasonable hours.

(g) Maintain, in effect, a bureau of information concerning the mineral industries of this state, to consist of such collections and library, and arrange, classify, catalog, and index the data therein contained in a manner to make the information available to those desiring it.

(h) Conduct, with city and county governments or federal agencies, large-scale geological investigations to identify and provide timely delineation of geological hazards in and adjacent to metropolitan areas, and to identify and delineate deposits of mineral raw materials in order to prevent their loss to urban encroachment and to assist in their ultimate utilization; and enter into, as the need arises, cooperative agreements, for geological or mineral industry investigations, with cities, cities and counties, counties, federal agencies, and universities, which may provide for cost-sharing or cooperative funding.

(i) Maintain a laboratory to provide support to the division staff and to conduct such other investigations in the line of physical and chemical testing and analysis and mineral identi-

fication as may be required in the execution of the plans and operations of the division under this chapter.

(j) Issue from time to time such reports and maps as he may deem advisable concerning the geology of this state and the statistics and technology of the mineral industries of this state.

SEC. 4. Any personnel moved from San Francisco to Sacramento as a consequence of the enactment of this act shall be limited to the headquarters function of the Division of Mines and Geology, and any personnel so moved shall continue in the employment of the Division of Mines and Geology.

CHAPTER 883

An act to add Section 25413.3 to the Education Code, relating to junior college governing boards.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 25413.3 is added to the Education Code, to read:

25413.3. Each member of the governing board of the junior college district subject to Section 25413.1 shall receive as compensation a sum per board meeting as determined by such governing board, provided that such sum shall not exceed fifty dollars ($50) per board meeting for not to exceed one board meeting per week. A member may be paid for any meeting when absent if the board, by resolution duly adopted and spread upon its minutes, finds that at the time of the meeting he is performing services outside the meeting for the junior college district.

CHAPTER 884

An act to amend Section 19582 of the Education Code, relating to state school building aid.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 19582 of the Education Code is amended to read:

19582. The board by the adoption of rules shall provide for the manner of determining the area of adequate school construction existing in an applicant school district at the time of application. Such rules shall define and provide for the

method of determining building areas that are to be included in whole or in part, or to be excluded from the area of existing adequate school construction.

The board may make exceptions to the provisions of this section or to the rules adopted pursuant to such section when it determines that such will be for the benefit of children affected.

For the purposes of this section, "service area" may be defined as (1) buildings which when constructed were intended to be used for a purpose to which the provisions of Education Code Sections 15451 to 15465, inclusive, would not apply, whether or not such sections were in effect at the time when the building was constructed, or (2) buildings which when constructed were intended to be used for a purpose to which Education Code Sections 15451 to 15465, inclusive, would apply, whether or not such sections were in effect when the building was constructed, but which building has been converted or is intended to be converted, as shown by the application, to use for purposes to which such sections would not apply. Service area may include, but is not limited to, construction used as bus garages, maintenance shops, centrally located district storage and warehouses, custodial houses, utility shelters, administration offices, transformer vaults, and service yards.

In the event that a school district has expended funds for the purpose of constructing buildings used for housing certificated employees of the district and their families, the area of such buildings and the funds expended therefor shall be accounted for in the following manner:

(a) The area of such buildings constructed or acquired with the proceeds of a tax levied under Chapter 3 (commencing with Section 20701), Division 16, of this code, shall be excluded from the building area of the district.

(b) The area of such buildings constructed or acquired with the proceeds from the sale of school district bonds prior to July 1, 1961, shall be excluded from the building area of the district, however, such bond funds shall not be considered as "eligible bonded debt service" as defined in Section 19601(d) and 19615.

The board shall exclude from the building area of a district:

(a) The area of any building which is or will be used exclusively for a parent cooperative nursery education facility, and for no other purpose, and which building at the time of acquisition thereof by the district was incidental to the purchase of a school site and unsuitable for classroom purposes or which was acquired by the district without expenditure of school district funds.

(b) The area of any building which is or will be used exclusively for a preschool educational program facility pursuant to the provisions of Chapter 6.5 (commencing with Section 6450) of Division 6 of this code, or Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of the Welfare and

Institutions Code, or any combination thereof; provided, that the building was constructed, leased, or purchased with local general funds, or federal or state funds allocated specifically for a preschool educational program.

The area of adequate school construction existing in a district at the time of application shall be initially computed as all of the construction area of a district except (1) such areas as may be eligible for replacement under standards established by the board, and (2) such areas in an existing structurally inadequate building for which an application has been filed for structural rehabilitation or in a building previously structurally rehabilitated under either Sections 19401 to 19486, inclusive, or Sections 19551 to 19689, inclusive, of the Education Code, that exceeds the maximum building area allowed by Section 19581 for a number of pupils, equivalent to those that could be housed in the building after rehabilitation. The board shall prescribe by rule the method of computing the number of pupils which could be so housed for the purposes of this subsection. If such area of adequate school construction, when added to the minimum facilities needed by the district, results in a total construction area in excess of the amount prescribed in Section 19581, then the board may make the following adjustments to the initial computation or such revisions thereof as the board, in its discretion, deems desirable:

(a) Service areas constructed prior to July 19, 1947, shall be excluded, except as provided in (c) below.

(b) Service areas constructed subsequent to July 19, 1947, shall be recomputed by multiplying the total number of square feet of said service area by the percentage determined from dividing the actual construction cost per square foot as determined by the Director of General Services by the estimated average cost per square foot of the new school facilities for which the district has made application.

(c) If any inadequate nonservice area constructed prior to July 19, 1947, is, or will be, converted to a service area, such area shall be recomputed by multiplying said area by the percentage determined by dividing the depreciated value of said area by the replacement cost as such value and cost are determined by the Director of General Services.

(d) If, after the revised computation of service areas is made as prescribed under subsections (a), (b), and (c) of this section, the existing and requested building area of the district is in excess of the schedule set forth in Section 19581, the existing building area of nonservice facilities may be determined on the basis of the number of pupils housed by such facilities at an allowance per pupil which is not more than 25 percent in excess of the amount per pupil prescribed in Section 19581.

The board shall prescribe by rule the method for computing the number of adequately housed pupils for purposes of this subsection.

CHAPTER 885

An act to amend Section 13525 of the Education Code, relating to minimum salaries of credentialed teachers.

[Approved by Governor August 1, 1968 Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 13525 of the Education Code is amended to read:

13525. The governing board of each school district shall pay to each person employed in a day school of the district for full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than six thousand dollars ($6,000).

The governing board of each school district shall pay to each person employed for less than full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than an amount which bears the same ratio to six thousand dollars ($6,000) as the time required of the person bears to the time required of a person employed full time.

"Full time" means not less than the minimum schoolday for each day the schools of the district are maintained during the school year.

The provisions of this section shall not be construed as applying to substitute employees of a school district.

CHAPTER 886

An act to amend Section 12516 of, to add Section 12519 to, and to repeal Section 12511.5 of, the Water Code, relating to the Colorado River Board of California.

[Approved by Governor August 1, 1968 Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 12514.5 of the Water Code is repealed.

SEC. 2. Section 12516 of the Water Code is amended to read:

12516. All information and records of the board shall be open to inspection by the public during regular office hours. The board shall be 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. 3. Section 12519 is added to the Water Code, to read:

12519. Notwithstanding any other provision of the law to the contrary, the board may hold executive sessions in con-

junction with any regular or special meeting and maintain confidential information and records limited to matters concerning interstate claims to the use of Colorado River system waters in judicial proceedings, administrative proceedings, and negotiations with representatives from other states or the federal government. Whenever the board holds an executive session in conjunction with any regular or special meeting or maintains as confidential any information or records hereunder, the board shall make an affirmative finding in its public minutes that the holding of an open meeting or the disclosure of the information or records to the public would substantially impair the performance by the board of its statutory duties. At the end of the minutes of each meeting of the board shall appear the certificate of its executive secretary that the meeting was held in accordance with the provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code and Sections 12516 and 12519 of the Water Code.

CHAPTER 887

An act to amend Section 20807 of the Education Code, relating to school district tax rate.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 20807 of the Education Code is amended to read:

20807. The maximum rate of school district tax under Sections 20751 and 20753, inclusive, for any fiscal year is hereby increased by such amount as will provide the amount of the proposed expenditures for programs for educating handicapped minors under Sections 6750 to 6762, inclusive, which are in excess of state apportionments as shown by the budget of the district as finally adopted by the governing board of the district.

Such proposed expenditures may include the cost of equipment and facilities, the lease or lease-purchase of buildings, lease of land, alterations or additions to existing buildings, or other necessary capital outlay expenditures in connection with such programs.

If at the end of any fiscal year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following fiscal year for the expenditures of the school district during that year required or authorized by Sections 6750–6762, inclusive, of this code.

CHAPTER 888

An act to amend Section 6913.1 of the Education Code, relating to school district tax rate.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 6913.1 of the Education Code is amended to read:

6913.1. The maximum rate of school district tax for any school year is hereby increased by such amount as the governing board of any school district which maintains or has entered into an agreement with another district or with the county superintendent of schools for educational services or facilities, including the rental of property or purchase of equipment, for mentally retarded minors who come within the provisions of Sections 6902 and 6903 may include in its budget and the board of supervisors shall levy a school district tax necessary to raise such amount. No amount shall be included in its budget for the purchase or improvement of school sites.

Such budget expenditures may include the cost of equipment and facilities, the lease or lease-purchase of buildings, lease of land, alteration or additions to existing buildings, or other necessary capital outlay expenditures in connection with such educational services.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in the tax rate hereby provided, such balance shall be used exclusively in the following fiscal year for the expenditures of the school district during that fiscal year required or authorized for the education of mentally retarded minors who come within the provisions of Sections 6902 and 6903.

CHAPTER 889

An act to repeal Section 5031 of, and to add Section 5036.5 to, the Public Resources Code, relating to the Governor's Mansion.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 5031 of the Public Resources Code is repealed.

SEC. 2. Section 5036.5 is added to the Public Resources Code, to read:

5036.5. The Governor's Mansion, located at 1526 H Street, Sacramento, shall be under the control and management of the department and shall be maintained as a state monument at such times as it is not needed as a residence.

CHAPTER 890

An act to amend Section 12900 of the Insurance Code, relating to the Insurance Commissioner.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 12900 of the Insurance Code is amended to read:

12900. The commissioner shall be appointed by the Governor, with the consent of the Senate and shall hold office for a a term of four years, coextensive with the term of office of the Governor.

SEC. 2. The term of office of the commissioner in office on the effective date of this act or any successor thereto, shall expire on the Monday following the first day of January, 1971.

CHAPTER 891

An act to add Section 2860.5 to the Business and Professions Code, relating to medical assistants.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 2860.5 is added to the Business and Professions Code, to read:

2860.5. A licensed vocational nurse when directed by a physician and surgeon may do all of the following:

(a) Administer medications by hypodermic injection.

(b) Withdraw blood from a patient in a hospital for the purpose of testing, if prior thereto she has been instructed by the physician and surgeon in the proper procedure to be employed when withdrawing blood.

CHAPTER 892

An act to amend Sections 18055, 18056, and 18059 of, to add Sections 18056.5, 18057, and 18058.5 to, and to repeal Section 18057 of, the Health and Safety Code, relating to mobilehomes.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 18055 of the Health and Safety Code is amended to read:

18055. It is unlawful for any person to sell, or offer for sale within this state, any mobilehome manufactured after September 1, 1958, or any trailer coach designed or used for industrial, professional, or commercial purposes manufactured after May 25, 1967, containing plumbing, heat-producing or electrical equipment unless such equipment meets the requirements of the commission for such equipment and installations. The commission is authorized to promulgate such rules and regulations which shall be reasonably consistent with recognized and accepted principles for plumbing, heat-producing, and electrical equipment and installations, respectively, in order to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe plumbing, heat-producing and electrical equipment and installations.

SEC. 2. Section 18056 of the Health and Safety Code is amended to read:

18056. All mobilehomes which are sold or offered for sale within this state shall bear insignia of approval issued by the department to indicate compliance with the regulations of the commission, adopted pursuant to this part, which were in effect on the date of manufacture of the mobilehome.

The department may issue insignia for mobilehomes manufactured prior to the effective dates of the appropriate regulations which meet the requirements of this part or the regulations adopted pursuant thereto in effect at the time of such issue. It is unlawful for any person to remove, or cause to be removed, an insignia of approval without prior authorization by the department.

SEC. 3. Section 18056.5 is added to the Health and Safety Code, to read:

18056.5. The commission may adopt such regulations for the construction of mobilehomes as it determines are reasonably necessary in order to protect the health and safety of the occupants and the public. These regulations shall be reasonably consistent with the United States of America Standards Institute standards for the construction of mobilehomes.

SEC. 4. Section 18057 of the Health and Safety Code is repealed.

SEC. 5. Section 18057 is added to the Health and Safety Code, to read:

18057. It is unlawful for any person to alter or convert, or cause to be altered or converted, installations or equipment of a mobilehome which bears a department insignia of approval, when such mobilehome is used, occupied, sold, or offered for sale within this state, unless performance is in compliance with regulations adopted by the commission. The commission may adopt regulations providing requirements for alterations and conversions.

SEC. 6. Section 18058.5 is added to the Health and Safety Code, to read:

18058.5. If the commission determines that standards for mobilehomes, which have been prescribed by the statutes, or regulations of another state, are at least equal to the standards prescribed by the commission, the commission may so provide by regulation. Thereafter, any mobilehome which such other state has approved as meeting its standards shall be deemed to meet the standards of the commission, if the commission determines that the standards of such other state are actually being enforced.

SEC. 7. Section 18059 of the Health and Safety Code is amended to read·

18059. No mobilehome which meets the standards prescribed by this chapter and the regulations adopted pursuant thereto shall be required to comply with any local ordinances or regulations prescribing requirements on the same subject matter.

CHAPTER 893

An act to amend Section 18850.5 of the Government Code, relating to chaplains.

[Approved by Governor August 1, 1968 Filed with Secretary of State August 1, 1968]

The people of the State of California do enact as follows:

SECTION 1. Section 18850 5 of the Government Code is amended to read:

18850.5. For purposes of Section 18539.5, there is allocated from the salary or wage paid to a minister of the gospel in an amount up to 25 percent of the gross salary, as either of the following:

(a) The rental value of a home furnished to him.

(b) The rental allowance paid to him to rent or provide a home.

CHAPTER 894

An act to amend Sections 69102 and 69103 of the Government Code, relating to judges, and making an appropriation.

[Approved by Governor August 1, 1968 Filed with Secretary of State August 1, 1968]

The people of the State of California do enact as follows:

SECTION 1. Section 69102 of the Government Code is amended to read:

69102. The Court of Appeal for the Second Appellate District consists of five divisions having four judges each and shall hold its regular sessions at Los Angeles.

SEC. 2. Section 69103 of the Government Code is amended to read:

69103. The Court of Appeal for the Third Appellate District consists of one division having four judges and shall hold its regular sessions at Sacramento.

SEC. 3. There is appropriated from the General Fund, for support of the courts of appeal, the sum of four hundred seventy-seven thousand dollars ($477,000) for expenditure in accordance with the following schedule:

For additional support of the Court of Appeal, Second Appellate District, in augmentation of Item 21 of the Budget Act of 1968	$400,000
For additional support of the Court of Appeal, Third Appellate District, in augmentation of Item 22 of the Budget Act of 1968	$77,000

CHAPTER 895

An act to amend Sections 6700, 6704, 6732, and 6787 of, and to add Section 6751.2 to, the Business and Professions Code, relating to the practice of engineering.

[Approved by Governor August 1, 1968 Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 6700 of the Business and Professions Code is amended to read:

6700. This chapter of the Business and Professions Code constitutes the chapter on professional engineers in the branches of chemical, civil, electrical, industrial, mechanical, metallurgical, and petroleum engineering and in such other engineering disciplines as are approved by the board as necessary for the protection of the public health and safety. The board may not approve an engineering discipline which is not covered by curricula leading to first degrees in engineering in an accredited university or college in the United States recognized on the effective date of the amendments made to this section at the 1968 Regular Session of the Legislature by the Engineers' Council for Professional Development. It may be cited as the Professional Engineers Act.

SEC. 2. Section 6704 of the Business and Professions Code is amended to read:

6704. In order to safeguard life, health, property, and public welfare, only persons registered under the provisions of this chapter shall be entitled to take and use the titles "consulting engineer," "professional engineer," or "registered engineer," or any combination of such titles, and according to registration with the board the titles "civil engineer," "structural engineer," "chemical engineer," "electrical engineer," "industrial engineer," "mechanical engineer," "metallurgical engineer," "petroleum engineer," "engineer-in-training" or the titles in such other branches as the board may establish. The provisions of this act pertaining to registration

of professional engineers in the branches of chemical, electrical, industrial, mechanical, metallurgical, and petroleum engineering do not apply to employees in the communication industry; nor to the employees of contractors while engaged in work on communication equipment; provided, that such employees may not use the title unless registered. All persons registered with the board as civil engineers shall immediately have the right to use the title "professional engineer," by virtue of such registration without application or payment of any fee therefor. Nor shall the provisions of this section prevent the use of the title "consulting engineer" by a person who has qualified for an maintained exemption for using such title under the provisions of Section 6732.1.

SEC. 3. Section 6732 of the Business and Professions Code is amended to read:

6732. It is unlawful for anyone other than a professional engineer registered under this chapter, to stamp or seal any plans, specifications, plats, reports, or other documents with the seal or stamp of a professional engineer, or to in any manner use the title "professional engineer," "chemical engineer," "civil engineer," "electrical engineer," "mechanical engineer," "metallurgical engineer," "petroleum engineer," "industrial engineer," "consulting engineer," or the titles in such other branches as the board may establish, or any combination of such words and phrases unless registered hereunder.

SEC. 4. Section 6751.2 is added to the Business and Professions Code, to read:

6751.2. The board may consider the professional experience and education acquired by applicants outside the United States which in the opinion of the board is equivalent to the minimum requirements of the board established by regulation for professional experience and education in this state.

SEC. 5. Section 6787 of the Business and Professions Code is amended to read:

6787. Every person is guilty of a misdemeanor and for each offense of which he is convicted is punishable by a fine of not more than five hundred dollars ($500) or by imprisonment not to exceed three months, or by both fine and imprisonment:

(a) Who, unless he is exempt from registration under this chapter, practices or offers to practice civil, electrical or mechanical engineering in this state according to the provisions of this chapter without legal authorization.

(b) Who presents or attempts to file as his own the certificate of registration of another.

(c) Who gives false evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration.

(d) Who impersonates or uses the seal of any other practitioner.

(e) Who uses an expired or revoked certificate of registration.

(f) Who shall represent himself as, or use the title of, registered civil, electrical or mechanical engineer, or any other title whereby such person could be considered as practicing or offering to practice civil, electrical or mechanical engineering in any of its branches, unless he is correspondingly qualified by registration as a civil, electrical or mechanical engineer under this chapter.

(g) Who, unless appropriately registered, manages, or conducts as manager, proprietor, or agent, any place of business from which civil, electrical or mechanical engineering work is solicited, performed or practiced.

(h) Who uses the title, or any combination of such title, of "professional engineer," "registered engineer," "chemical engineer," "civil engineer," "electrical engineer," "industrial engineer," "mechanical engineer." "metallurgical engineer," "petroleum engineer," "structural engineer," or "engineer-in-training," or the titles in such other branches as the board may establish, or who makes use of any abbreviation of such title which might lead to the belief that he is a registered engineer, without being registered as required by this act.

(i) Who uses the title "consulting engineer" without being registered as required by this act or without being authorized to use such title pursuant to Section 6732.1.

(j) Who violates any provision of this chapter.

CHAPTER 896

An act to amend Section 31214 of the Education Code, relating to state scholarships.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 31214 of the Education Code is amended to read:

31214. Each competitive scholarship is for the period of one academic year and the award shall be for three hundred dollars ($300), four hundred dollars ($400), five hundred dollars ($500), six hundred dollars ($600), seven hundred dollars ($700), eight hundred dollars ($800), nine hundred dollars ($900), or not to exceed nine hundred dollars ($900) plus ninety percent (90%) of tuition and fees in excess of nine hundred dollars ($900) in one hundred dollar ($100) amounts at the college the award winner will attend, as required by applicant's financial need, as determined by the State Scholarship and Loan Commission, but in no event in excess of an amount equal to the tuition or necessary fees, or both tuition and fees, for the academic year, including summer terms or quarters of the institution at which the scholarship is used. No competitive scholarship awarded to an applicant under this section for the period of one academic year shall exceed

the total amount of two thousand dollars ($2,000); except that the State Scholarship and Loan Commission may, for students who accelerate college attendance, increase the amount of award for one academic year proportional to the period of additional attendance resulting from attendance at a summer term or quarter. In the aggregate, the total amount a student would receive in a four-year period may not be increased as a result of accelerating his progress to a degree by attending summer terms or quarters. The State Scholarship and Loan Commission may provide by appropriate rules and regulations for such reports, accounting, and statements from the award winner and college or university of attendance pertaining to the use or application of the award as it may deem proper. A competitive scholarship may be renewed annually without an additional competitive examination until the award winner has received four annual awards or until he has been graduated from such an institution in an undergraduate course, whichever is the earlier, provided that at or prior to such renewal the State Scholarship and Loan Commission shall reassess the financial needs of such award winner and establish the amount of the award within the limits prescribed by this section. The scholarship shall remain in effect only during the period that the award winner achieves satisfactory academic progress and is regularly enrolled as a full-time student in an institution of collegiate grade, as described in Section 31206.

No award shall exceed one thousand five hundred dollars ($1,500) for a year except awards given for attendance during the 1969–70 fiscal year and thereafter.

CHAPTER 897

An act to amend Sections 1 and 2 of, and to repeal Section 3 of, Chapter 1672 of the Statutes of 1967, relating to recreation and fish and wildlife enhancement associated with state water projects.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1672 of the Statutes of 1967 is amended to read:

Section 1. The Legislature, pursuant to Section 11912 of the Water Code, approves the allocation by the Department of Water Resources of ten million five hundred sixty-eight thousand four hundred fifty-four dollars ($10,568,454) 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, and as revised in Bulletin No. 153-68, dated February 1968, in accordance with the following schedule:

Schedule:

(a) For Frenchman Dam and Lake	$1,599,714
(b) For Antelope Dam and Lake	$4,639,514
(c) For Grizzly Valley Dam and Lake Davis	$4,329,226
Total of schedule	$10,568,454

SEC. 2. Section 2 of Chapter 1672 of the Statutes of 1967 is amended to read:

Sec. 2. The Legislature, pursuant to Section 11912 of the Water Code, approves the expenditures of two million nine hundred forty-two thousand eight hundred forty dollars ($2,942,840) for separate specific recreation land costs of the State Water Project as revised by the Department of Water Resources in said Bulletin No. 153-68, in association with the following facilities and in accordance with the following schedule.

Schedule:

(a) Frenchman Dam and Lake	$41,494
(b) Grizzly Valley Dam and Lake Davis	185,380
(c) Oroville Dam and Reservoir	1,497,288
(d) Thermalito Facilities	171,543
(e) California Aqueduct	540,922
(f) San Luis Dam and Reservoir	22,460
(g) Del Valle Dam and Reservoir	483,753
Total of schedule	$2,942,840

SEC. 3. Section 3 of Chapter 1672 of the Statutes of 1967 is repealed.

CHAPTER 898

An act to amend Section 1150 of, and to add Article 4.5 (commencing with Section 1210) to Chapter 2 of Part 2 of Division 1 of, the Insurance Code, relating to investments of insurers.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 1150 of the Insurance Code is amended to read:

1150. Every admitted incorporated insurer may purchase, hold, or convey real estate only for the following purposes and in the following manner:

(a) The building in which it has its principal office and the land upon which that building stands.

(b) Real estate requisite for its accommodation in the convenient transaction of its business.

(c) Real estate acquired by it, or by any person for it, to secure the payment of loans previously contracted or for moneys due.

(d) Real estate purchased at sales upon deeds of trust or upon judgments or decrees obtained for such loans or debts.

(e) Real estate conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

(f) Real estate acquired by gift or devise.

(g) Real estate acquired in part payment of the consideration of the sale of real property owned by it, if each such transaction shall not effect an increase in its investment in such real property.

(h) Upon the written approval of the Insurance Commissioner, real estate requisite or desirable for the protection or enhancement of the value of other real or personal property owned by such insurers.

(i) Real estate and improvements thereon under the provisions and subject to the conditions and limitations of Section 1194.8 or Section 1210.

SEC. 2. Article 4.5 (commencing with Section 1210) is added to Chapter 2 of Part 2 of Division 1 of the Insurance Code, to read:

Article 4.5. Leeway Law

1210. Any domestic incorporated insurer, after investing an amount equal to its required minimum paid-in capital in securities specified in Article 3 (commencing with Section 1170) of this chapter, may make such investments as it may see fit in the purchase of, or loans upon, properties and securities other than or in addition to or in excess of those set forth in Articles 2 (commencing with Section 1150), 2.5 (commencing with Section 1160.1), 3 (commencing with Section 1170) and 4 (commencing with Section 1190) of this chapter. Investments under this section shall not exceed in the aggregate the lesser of (a) or (b) as follows:

(a) Five percent of the insurer's admitted assets or

(b) Fifty percent of the excess of admitted assets over the sum of capital paid-up, liabilities and the surplus required by subdivision (a) of Section 700.02. Percentage or dollar value of admitted assets and capital paid-up and liabilities shall be determined by the insurer's last preceding annual statement of conditions and affairs made as of December 31st last preceding and which has been filed with the commissioner pursuant to law. Such investments shall be subject to the provisions of Sections 1153.5, 1154, 1200, 1201, and 1202 as if they were excess funds investments. This section shall apply to an insurer other than life only if such insurer has aggregate capital and surplus of at least ten million dollars ($10,000,000).

This section shall be applicable to reciprocal or interinsurance exchanges.

CHAPTER 899

An act to amend Section 4656 of, and add Sections 4656.1, 4656.2, and 4656.3 to the Public Resources Code, relating to forests and range and forage lands.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 4656 of the Public Resources Code is amended to read:

4656. This chapter does not interfere with the reasonable use of state forests for hunting, fishing, recreation and camping, except as otherwise provided by law.

The use of state forest lands for grazing and mining purposes shall be permitted pursuant to regulations established by the board in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2, of the Government Code. The use and development of water facilities for irrigation and power shall be permitted as provided by law.

SEC. 2. Section 4656.1 is added to the Public Resources Code, to read:

4656.1. The board may establish rules and regulations in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2, of the Government Code, for the preservation, protection and use of state forests and for the promotion and protection of public health and safety within state forests.

SEC. 3. Section 4656.2 is added to the Public Resources Code, to read:

4656.2. The State Forester shall protect the state forests from damage and preserve the peace therein.

SEC. 4. Section 4656.3 is added to the Public Resources Code, to read:

4656.3. Any person who violates the rules and regulations pertaining to the state forests established by the board is guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding five hundred dollars ($500).

CHAPTER 900

An act to amend Sections 4427 and 4431 of the Public Resources Code and to amend Section 13004 of the Health and Safety Code, relating to fire prevention standards.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 4427 of the Public Resources Code is amended to read:

4427. During any time of the year when burning permits are required in an area pursuant to this article, no person shall use or operate any motor, engine, boiler, stationary equipment, welding equipment, cutting torches, tarpots, or grinding devices from which a spark, fire, or flame may originate, which is located on or near any forest-covered land, brush-covered land, or grass-covered land, without doing both of the following:

(a) First clearing away all flammable material, including snags, from the area around such operation for a distance of 10 feet.

(b) Maintain one serviceable round point shovel with an overall length of not less than forty-six (46) inches and one backpack pump water-type fire extinguisher fully equipped and ready for use at the immediate area during the operation.

This section does not apply to portable powersaws and other portable tools powered by a gasoline-fueled internal combustion engine.

SEC. 2. Section 4431 of the Public Resources Code is amended to read:

4431. During any time of the year when burning permits are required in an area pursuant to this article, no person shall use or operate or cause to be operated in such area any portable saw, auger, drill, tamper, or other portable tool powered by a gasoline-fueled internal combustion engine on or near any forest-covered land, brush-covered land, or grass-covered land, within 25 feet from any flammable material, without providing and maintaining at the immediate locations of use or operation of said saw or tool, for firefighting purposes one serviceable round point shovel, with an overall length of not less than forty-six (46) inches, or one serviceable fire extinguisher. The State Forester shall by administrative regulation specify the type and size of fire extinguisher necessary to provide at least minimum assurance of controlling fire caused by use of portable power tools under various climatic and fuel conditions.

The required fire tools shall at no time be farther from the point of operation of the powersaw or tool than 25 feet with unrestricted access for the operator from the point of operation.

SEC. 3. Section 13004 of the Health and Safety Code is amended to read:

13004. Every person is guilty of a misdemeanor who harvests grain or causes it to be harvested by means of a combined harvester, header, or stationary threshing machine, or who bales hay by means of a hay press, or harvests by means of a mechanical harvester other agricultural crops which are flammable at the time of harvest, unless he keeps at all times in a convenient place upon each machine or press, one backpack or pump-type water extinguisher of not less than four-gallon

capacity fully equipped, filled with water and ready for immediate use.

SEC. 4. This act shall become operative on January 1, 1969.

CHAPTER 901

An act to amend Section 20009.1 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 20009.1 of the Government Code is amended to read:

20009.1. "Public agency" also includes the following:

(a) The office of county superintendent of schools with respect to its employees whose compensation is not paid from county funds and with respect to employees of school districts within the jurisdiction of the superintendent which are not contracting agencies.

(b) The Commandant, Veterans Home of California, with respect to employees of the post exchange and other post fund activities whose compensation is paid from the post fund of the Veterans Home of California.

(c) Any foundation or trust established for the purpose of providing essential activities related to but not normally included as a part of the regular instructional program of a state or junior college.

(d) Any student body or nonprofit organization composed exclusively of students of a state or junior college or of members of the faculty of a state or junior college, or both, and established for the purpose of providing essential activities related to but not normally included as a part of the regular instructional program of the state or junior college.

(e) The Adjutant General with respect to persons employed by him pursuant to federal regulations and compensated directly from federal funds.

(f) A state organization which is authorized under subdivision (e) of Section 1071 of the Education Code.

CHAPTER 902

An act to quitclaim to, and confirm in the County of Santa Cruz and the City of Santa Cruz all interest of the state in and to certain parcels of land in the County of Santa Cruz and declaring such lands to be free of any trust applicable thereto for commerce, navigation, and fisheries.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. The State of California hereby quitclaims to, and there is hereby confirmed in, the County of Santa Cruz all right, title, and interest of the state, if any, reserving therefrom the mineral rights of the state, if any, held by the state by virtue of its sovereignty in and to the parcels of lands situated in such county as hereinafter described for the purpose of the Broadway to Branmer Street extensions in the City of Santa Cruz. It is hereby found and determined that the following described lands lie above the line of mean high tide, are no longer necessary or useful for commerce, fisheries and navigation, and are hereby freed from the public use and trust for harbors, commerce, fisheries and navigation to the extent such may have existed as to any of such lands enclosed within the following boundaries. Such parcels are more particularly bounded and described as follows:

Parcel 1

Situate in the County of Santa Cruz, State of California, and being a portion of the lands conveyed from Emanuel Cirrone to Giuseppe Cirrone and Caterina Cirrone by deed recorded June 4, 1956 in Volume 1078 at Page 72 of Official Records of Santa Cruz County, said portion being bounded by a line described as follows:

Beginning at a station on the Southern line of the above mentioned lands of Cirrone from which the intersection of said Southern line with the Western line of the lands conveyed from Giuseppe Cirrone and Caterina Cirrone, et al, to the County of Santa Cruz by deed recorded January 26, 1961 in Volume 1369 at Page 328 of Official Records of Santa Cruz County bears South 63° 29′ 49″ East 170.00 feet distance; thence from said point of beginning North 55° 01′ West 105.93 feet, North 32° 52′ West 273.39 feet and North 18° 10′ 30″ West 40.21 feet to the Northern line of said lands of Cirrone; thence North 63° 29′ 49″ West along said Northern line 201.06 feet to the Northwestern corner of said lands of Cirrone; thence South 22° 40′ 04″ West along the Western line of said lands 106.07 feet; thence leaving said Western line South 34° 05′ 30″ East 158.21 feet to the Southern line of said lands of Cirrone; thence South 63° 29′ 49″ East 424.42 feet to the place of beginning.

Containing an area of 56,500 square feet, a little more or less.

Parcel 2

Situate in the County of Santa Cruz, State of California, and being a portion of Parcel 3 of the lands confirmed to Maria Ceresetto by Decree of Final Distribution in the Estate of Giacomo Ceresetto recorded February 21, 1941 in Volume 395 at Page 323 of Official Records of Santa Cruz County, said portion being bounded by a line described as follows:

Beginning at the intersection of the Northern line of said Parcel 3 with the Western line of the lands conveyed by Maria Ceresetto, et al, to County of Santa Cruz by Deed recorded

December 22, 1954 in Volume 996 at Page 304, Official Records of Santa Cruz County, thence from said point of beginning along the Western line of said lands conveyed to County of Santa Cruz South 26° 29′ 31″ West 108.29 feet and South 27° 12′ 31″ West 4.25 feet; thence North 63° 29′ 49″ West parallel with the Northern line of said Parcel 3, a distance of 111.24 feet; thence Westerly on a tangent curve to the right with a radius of 855.00 feet through an angle of 12° 39′ 02″ a distance of 188.77 feet thence North 51° 29′ West 218.96 feet; thence North 34° 05′ 30″ West 93.76 feet to the Northern line of said Parcel 3; thence South 63° 29′ 49″ East along the last mentioned line 594.42 feet to the place of beginning.

Containing an area of 48,600 square feet, a little more or less.

Parcel 3

Situate in the County of Santa Cruz, State of California, and being a portion of the lands conveyed to James R. Edwards and Ruby Edwards by Deed recorded in Volume 765, at Page 357, Santa Cruz County Official Records said portion being bounded by a line described as follows:

Beginning at the Southwestern corner of the above mentioned lands of Edwards and running thence from said point of beginning along the Western line of said lands North 22° 40′ 04″ East 40 00 feet; thence leaving said Western line South 24° 03′ East 54.87 feet and South 18° 10′ 30″ East 7.09 feet to the Southern line of said lands of Edwards; thence North 63° 29′ 49″ West 44 68 feet to the place of beginning.

Containing an area of 88 square feet, a little more or less.

Parcel 4

Situate in the County of Santa Cruz, State of California, and being a portion of the lands conveyed to Kimiyo K. Kadatoni and Tommy Y. Kadatoni by deed recorded in Volume 970 at Page 473, Santa Cruz County Official Records, said portion being bounded by a line described as follows:

Beginning at the Southwestern corner of the above mentioned lands of Kadatoni and running thence from said point of beginning North 22° 40′ 04″ East 170.03 feet to the Northwestern corner of said lands; thence along the Northern line of said lands South 63° 29′ 49″ East 44.68 feet; thence leaving said Northern line South 18° 10′ 30″ East 238.58 feet to the Southern line of said lands; thence North 63° 29′ 49″ West 201.06 feet to the place of beginning.

Containing an area of 21,000 square feet, a little more or less.

SEC. 2. The State of California hereby quitclaims to, and there is hereby confirmed in, the City of Santa Cruz all right, title, and interest of the state, if any, reserving therefrom the mineral rights of the state, if any, held by the state by virtue of its sovereignty in and to the parcels of lands situated in such county as hereinafter described for the purpose of the Broadway to Branmer Street extensions in the City of Santa

Cruz. It is hereby found and determined that the following described lands lie above the line of mean high tide, are no longer necessary or useful for commerce, fisheries and navigation, and are hereby freed from the public use and trust for harbors, commerce, fisheries and navigation to the extent such may have existed as to any of such lands enclosed within the following boundaries. Such parcels are more particularly bounded and described as follows:

Situate in the County of Santa Cruz, State of California and being more particularly described as follows:

Being a portion "Parcel 3-First" of the lands distributed to Margaret Kinzli, et al., by "Order Approving First and Final Account and Decree of Distribution" in the matter of the Estate of Ernest Kinzli, dated August 7, 1959 and filed for record August 19, 1959 in Volume 1266 at Page 159, of the Official Records of said Santa Cruz County and being more particularly bounded and described as follows, to wit:

Parcel A:

Beginning at a station from which an iron pipe at the Northwestern corner of Windsor and Frederick Streets as said pipe and said corner are more particularly designated and delineated on that certain map entitled "Record of Survey of the Lands of Alton E. Tobey, et ux., L. M. & Amelia C. Brotherton, Nicola Pastorino, et ux.", filed for record in Map Book 34, at Page 9, Santa Cruz County Records, bears the following courses and distances: South 54° 22′ 40″ East 83.05 feet and South 37° 53′ 05″ West 55.00 feet and North 52° 06′ 55″ West 364.67 feet and South 87° 48′ 50″ West 717.26 feet and South 72° 17′ 20″ West 141.01 feet and South 10° 58′ 00″ East (equals South 11° 18′ 30″ East on said Record of Survey Map) 344.38 feet distant, said point of beginning being on the Eastern boundary of the lands conveyed by Enock A. Israelson, et ux., to Robert S. Ferguson, et ux., by Deed dated December 17, 1962 and recorded December 27, 1962 in Volume 1513, at Page 657 of the Official Records of said Santa Cruz County; thence from said point of beginning curving right from a tangent bearing of South 56° 37′ 41″ East, with a radius of 1055.00 feet through an angle of 4° 30′ 46″, for a distance of 83.09 feet to a station; South 52° 06′ 55″ East 243.56 feet to a station; thence South 62° 36′ 14″ East 65.92 feet to a station; thence South 48° 27′ 46″ East 318.90 feet to a station; thence South 35° 11′ 02″ East 115.09 feet to a station; thence South 25° 39′ 20″ East 125 feet, more or less, to a station on the Eastern boundary of said above mentioned lands of Kinzli; thence along said Eastern boundary Southwesterly 305.00 feet to a station; thence leaving said Eastern boundary of Kinzli Northwesterly 30 feet, more or less, to a station from which the point of beginning bears the following courses and distances: North 67° 53′ 10″ East 103.00 feet and North 22° 06′ 50″ West 439.51 feet and North 52° 06′ 55″ West 576.33 feet and North 37° 53′ 05″ East 55.00 feet and

North 54° 22′ 40″ West 83.05 feet distant; thence North 16° 58′ 14″ West 100.40 feet to a station; thence North 24° 17′ 08″ West 182.47 feet to a station; thence North 29° 19′ 38″ West 183.57 feet to a station; thence North 43° 37′ 13″ West 185.61 feet to a station; thence North 41° 37′ 35″ West 65.92 feet to a station; thence North 52° 06′ 55″ West 243.56 feet to a station; thence curving left from a tangent bearing of North 52° 06′ 55″ West with a radius of 945.00 feet through an angle of 4° 28′ 32″ for a distance of 73.86 feet to a station on said Eastern boundary of Ferguson; thence North 32° 59′ 15″ East 110.00 feet to the point of beginning.

Parcel B:

Beginning at a station from which an iron pipe at the Northwestern corner of Windsor and Frederick Streets as said pipe and said corner are more particularly designated and delineated on that certain map entitled "Record of Survey of the Lands of Alton E Tobey, et ux., L. M. & Amelia C. Brotherton, Nicola Pastorino, et ux.", filed for record in Map Book 34, at Page 9, Santa Cruz County Records, bears the following courses and distances: North 9° 26′ 27″ East 180.00 feet and North 86° 22′ 22″ West 202.58 feet and South 87° 48′ 50″ West 352 59 feet and South 72° 17′ 20″ West 141.01 feet and South 10° 58′ 00″ East (equals South 11° 18′ 30″ East on said Record of Survey Map) 344.38 feet distant; thence from said point of beginning North 69° 26′ 27″ East 138.53 feet to a station on the Northern boundary of said lands of Kinzli (noted as "South 68° East 389 65 feet" in the Kinzli deed); thence along said last mentioned boundary North 67° 28′ 45″ West 133 00 feet to a station at an angle point in said boundary of Kinzli; thence along the Western boundary of said lands of Kinzli Southwesterly 100 feet, more or less, to a station from which the point of beginning bears North 69° 26′ 27″ East; thence North 69° 26′ 27″ East 10 feet, more or less, to the point of beginning.

CHAPTER 903

An act to amend Section 989 of the Military and Veterans Code, relating to disaster indemnity.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 989 of the Military and Veterans Code is amended to read:

989. Out of moneys appropriated for the purpose of carrying out the provisions of this article, the department may indemnify any purchaser, upon his application and under such policies as the department may, from time to time, prescribe, for the costs of repairing damage, in excess of one hundred dollars ($100), to buildings, fences, or other permanent im-

provements on the property being purchased from the department, caused by earthquake, surface waters, floodwaters, waves, tide or tidal wave, highwater, or overflow of streams or bodies of water, all whether driven by wind or not, or whether caused by or attributable to earthquake, if such damage is not covered by the insurance required of the purchaser pursuant to Section 987.2. The purchaser shall pay the first one hundred dollars ($100) of the cost of repair for each occurrence which causes the damage. "Occurrence" includes a continuous or repeated exposure to conditions which result in the damage.

The department shall be the sole judge of the need and desirability of making such repairs.

CHAPTER 904

An act to amend Sections 1560 and 1911 of the Probate Code, relating to fiduciaries.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 1560 of the Probate Code is amended to read:

1560. The guardian, upon the death of his ward, may contract for and pay a reasonable sum for his ward's funeral expenses, or may pay the unpaid expenses of his ward's funeral and last illness, in full or in part, from any assets of such ward, other than real property or any interest therein, or lien thereon, which are under his control. When a claim therefor is presented to the guardian, he shall endorse thereon his allowance or rejection, with the date thereof. If he allows the claim, it shall be presented to the judge, who shall in the same manner endorse upon it his approval or rejection, and, if approved, it shall be filed with the clerk within 30 days thereafter. After the payment of such expenses the guardian may transfer any remaining assets in accordance with and subject to the provisions of Section 630 of this code. The value of the deceased ward's property for the purpose of ascertaining the right to transfer under such section shall be determined after deduction of such expenses paid.

SEC. 2. Section 1911 of the Probate Code is amended to read:

1911. The conservator, upon the death of the conservatee, may contract for and pay a reasonable sum for his conservatee's funeral expenses, or may pay the unpaid expenses of his conservatee's funeral and last illness, in full or in part, from any assets of such conservatee, other than real property or any interest therein, or lien thereon, which are under his control. When a claim therefor is presented to the conservator, he shall endorse thereon his allowance or rejection, with the date thereof. If he allows the claim, it shall be presented to

the judge, who shall in the same manner endorse upon it his approval or rejection, and, if approved, it shall be filed with the clerk within 30 days thereafter. After the payment of such expenses the conservator may transfer any remaining assets in accordance with and subject to the provisions of Section 630 of this code. The value of the deceased conservatee's property for the purpose of ascertaining the right to transfer under such section shall be determined after deduction of such expenses paid.

CHAPTER 905

An act to amend Section 28144 of the Government Code, relating to salaries of county officers.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 28144 of the Government Code is amended to read:

28144. In a county of the 44th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, three thousand four hundred dollars ($3,400) a year.

(b) The district attorney, eight thousand four hundred dollars ($8,400) a year.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year and twenty cents ($0.20) a mile for traveling expenses from his residence to the county seat, and also necessary expenses when on official business outside the county.

(d) Grand jurors, six dollars ($6) for each day's attendance while engaged in the performance of the duties required of them, and ten cents ($0.10) a mile for the first 500 miles actually traveled, and eight cents ($0.08) for each mile actually traveled thereafter, during any one month, while acting as such jurors. The judge of the superior court shall make an order directing the auditor to draw his warrant on the treasurer in favor of the juror for the per diem and mileage, and the treasurer shall pay the warrant.

(e) Trial jurors in the superior court, six dollars ($6) for each day's attendance while engaged in the performance of the duties required of them, and ten cents ($0.10) a mile for the first 500 miles actually traveled, and eight cents ($0.08) for each mile actually traveled thereafter, during any one month, while acting as such jurors. The judge of the superior court shall make an order directing the auditor to draw his warrant on the treasurer in favor of the juror for the per diem and mileage, and the treasurer shall pay the warrant.

SEC. 2. Notwithstanding any other provision of law, the salary increases granted by this act shall become operative January 1, 1969.

CHAPTER 906

An act to amend Section 853.9 of the Penal Code and Section 40513 of the Vehicle Code, relating to notices to appear.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 853.9 of the Penal Code is amended to read:

853.9. (a) Whenever written notice to appear has been prepared, delivered, and filed with the court pursuant to the provisions of Section 853.6 of this code, an exact and legible duplicate copy of the notice when filed with the magistrate, in lieu of a verified complaint, shall constitute a complaint to which the defendant may plead "guilty" or "nolo contendere".

If, however, the defendant violates his promise to appear in court, or does not deposit lawful bail, or pleads other than "guilty" or "nolo contendere" to the offense charged, a complaint shall be filed which shall conform to the provisions of this code and which shall be deemed to be an original complaint; and thereafter proceedings shall be had as provided by law, except that a defendant may, by an agreement in writing, subscribed by him and filed with the court, waive the filing of a verified complaint and elect that the prosecution may proceed upon a written notice to appear.

(b) Notwithstanding the provisions of subdivision (a) of this section, whenever the written notice to appear has been prepared on a form approved by the Judicial Council, an exact and legible duplicate copy of the notice when filed with the magistrate shall constitute a complaint to which the defendant enter a plea and, if the notice to appear is verified, upon which a warrant may be issued. If the notice to appear is not verified, the defendant may, at the time of arraignment, request that a verified complaint be filed.

SEC. 2. Section 40513 of the Vehicle Code is amended to read:

40513. (a) Whenever written notice to appear has been prepared, delivered, and filed with the court, or whenever notice has been given pursuant to the provisions of Section 41102, an exact and legible duplicate copy of the notice when filed with the magistrate, in lieu of a verified complaint, shall constitute a complaint to which the defendant may plead "guilty" or "nolo contendere."

If, however, the defendant violates his promise to appear in court or does not deposit lawful bail, or pleads other than "guilty" or "nolo contendere" to the offense charged, a complaint shall be filed which shall conform to the provisions of Chapter 2 (commencing with Section 948) of Title 5, Part 2 of the Penal Code, and which shall be deemed to be an original

complaint, and thereafter proceedings shall be had as provided by law, except that a defendant may, by an agreement in writing, subscribed by him and filed with the court, waive the filing of a verified complaint and elect that the prosecution may proceed upon a written notice to appear.

(b) Notwithstanding the provisions of subdivision (a) of this section, whenever the written notice to appear has been prepared on a form approved by the Judicial Council, an exact and legible duplicate copy of the notice when filed with the magistrate shall constitute a complaint to which the defendant may enter a plea and, if the notice to appear is verified, upon which a warrant may be issued. If the notice to appear is not verified, the defendant may, at the time of arraignment, request that a verified complaint be filed.

CHAPTER 907

An act to amend Sections 4848 and 4905 of the Business and Professions Code, relating to examination and license fees of veterinarians.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 4848 of the Business and Professions Code is amended to read:

4848. The board shall by means of examination, ascertain the professional qualifications of all applicants for licenses to practice veterinary medicine in this state and shall issue a license to every person which it finds to be qualified.

The examination shall consist of a written examination and a practical examination which may be given at the same time or at different times as determined by the board. The written examination may be waived by the board in any case in which it determines that the applicant has taken an examination for license in another state substantially equivalent in scope and subject matter to the written examination last given in California before such determination is made, and has achieved a score on the out-of-state examination at least equal to the score required to pass such California written examination. If the examination is so waived the board shall refund to the applicant that portion of his application fee which represents the cost the board would incur in administering the written examination to him.

No license shall be issued to anyone who has not demonstrated his competency by examination.

SEC. 2. Section 4905 of the Business and Professions Code is amended to read:

4905. The following fees shall be collected by the board and the same shall be credited to the Board of Examiners in Veterinary Medicine Contingent Fund:

(a) The fee for filing an application for examination shall be fixed by the board at not more than fifty dollars ($50) nor less than thirty dollars ($30).

(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 is issued less than one year before the date on which it will expire, then the fee is 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 renewal fee shall be fixed by the board for each biennial renewal period at not more than forty-five dollars ($45), nor less than fifteen dollars ($15).

(d) The delinquency fee is eight dollars ($8).

(e) The fee for issuance of a duplicate license is five dollars ($5).

(f) The board may make a charge for records, transcripts, and other official documents pertaining to the affairs of the board.

(g) The fee for failure to report a change in the place of practice is ten dollars ($10).

(h) The fee for registration of veterinary premises is ten dollars ($10), but the board may reduce the fee to not less than five dollars ($5).

CHAPTER 908

An act to add Section 9984.5 to the Business and Professions Code, relating to employment agencies.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 9984.5 is added to the Business and Professions Code, to read:

9984.5. Notwithstanding the provisions of Sections 9975, 9977, and 9984, relating to fees, any employment agency which as its sole means of procuring or attempting to procure employment or engagements for others, uses a computer system to correlate and match information furnished by prospective employees and requirements from prospective employers, may as its sole compensation for services charge either a prospective employee or a prospective employer, but not both, a nonrefundable fee not to exceed fifteen dollars ($15). In order to qualify under this section an agency shall satisfy all of the following requirements:

(a) Contact prospective employees not less than once every three months to ascertain whether they are presently seeking employment indicated in the agency's records. If the prospective employee has obtained employment or indicates he is no longer interested in employment, data with respect to such person may be removed from the computer system. If such person indicates he is seeking a position registered with the agency, data as to such person shall remain in the computer system for not less than one year from the date the fee was paid.

(b) The agency shall, not less than once per week, process all data through the computer system to obtain matches of prospective employees and prospective employers and notify the prospective employer of the name, qualifications and means of contacting such persons matching with such prospective employer, not more than 48 hours after such process.

(c) Comply with all rules and regulations adopted by the bureau.

The bureau shall adopt and enforce such rules and regulations as it determines are reasonably necessary to carry out the purposes of this section and to protect and safeguard persons seeking employment from fraud.

CHAPTER 909

An act to add Sections 9356.5 and 75030.9 to the Government Code, relating to retirement.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 9356.5 is added to the Government Code, to read:

9356.5. Any member whose service is discontinued but whose membership is continued under Section 9355.2 and who becomes a member of the Judges' Retirement System or is entitled to benefits under that law, may elect to transfer all or part of the service for which he is credited under this system to the Judges' Retirement System pursuant to Section 75030.5. The election may be made at any time prior to retirement by written notice to the board of administration. The member shall designate in the notice the dates of the service which he elects to transfer. Upon receipt of such notice by the board of administration, the member shall be paid forthwith his accumulated contributions on account of the period of service transferred.

If the member elects to transfer all of the service for which he is credited in this system, his membership in this system is terminated. If he elects to transfer less than all of such service, his membership is continued under Section 9355.2 and the service with which he is credited in this system is reduced by the amount so transferred.

Any member whose service is discontinued but whose membership is continued under Section 9355.2 who is entitled to receive credit under this system by making an election to do so and making contribution to this system for such service, but who has not made such election, may after becoming a member of the Judges' Retirement System, elect to receive credit for all or part of such service in the Judges' Retirement System pursuant to Section 75030.5. Upon making such election, the member may not thereafter elect to be credited in this system with the service so transferred.

SEC. 2. Section 75030.9 is added to the Government Code, to read:

75030.9. A Member of the Senate or Assembly whose contributions as a judge remain on deposit in the fund under Section 75033, shall, during the term of office for which he was elected:

(a) Have a right under Section 75030.5 to elect by written election filed with the Controller at any time prior to his retirement, to make contributions pursuant to Section 75030.5 and to receive credit in this system as service rendered for all or any part of his service as an elected state constitutional officer, or as a public legal officer, as defined in Section 75030.5, either before or after his service as a judge, excluding any period of time for which he is receiving or is entitled to receive a retirement allowance from any other public retirement system.

(b) Be retired as a judge under Section 75025 upon attaining, as provided in this section, the age and service requirements specified in that section.

For the purposes of this section, "service as an elected state constitutional officer" shall include all or any portion of the term of office for which he was duly elected as such elected state constitutional officer as specified by law at the time of his election.

CHAPTER 910

An act to add Section 10850.1 to the Welfare and Institutions Code, relating to public assistance records.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 10850.1 is added to the Welfare and Institutions Code, to read:

10850.1. Notwithstanding the provisions of Section 10850, factual information relating to eligibility provided solely by the public assistance recipient contained in applications and records made or kept by any public officer or agency in connection with the administration of any public assistance pro-

gram shall be open for inspection by the recipient to which the information relates and by any other person authorized in writing by such recipient. The written authorization shall be dated and signed by such recipient and shall expire one year from the date of execution. In the event of any hearing under the provisions of this division, the attorney or authorized representative of the applicant or recipient shall be entitled to inspect the case record relating to the applicant or recipient prior to, as well as during, the hearing.

No list or names obtained through such access to such records or applications as provided in this section shall be used for any commercial or political purposes.

CHAPTER 911

An act to add Chapter 6 (commencing with Section 3101) to Part 5 of Division 1 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 6 (commencing with Section 3101) is added to Part 5, Division 1 of the Revenue and Taxation Code, to read:

CHAPTER 6. UNSECURED ROLL SUMMARY JUDGMENT

3101. If any tax, interest, or penalty imposed under this part is not paid by the last day of the month succeeding the delinquency date, the official collecting taxes on the unsecured roll may file, no sooner than 10 days after the mailing of the notice required in subdivision (b), in the office of the county clerk, without fee, a certificate specifying as follows:

(a) The fact that a notice of intent to file said certificate had been sent, by registered mail, to the assessee, at his last known address, not less than 10 days prior to the date of the certificate.

(b) The fact that the notice required in subdivision (a) set forth the following information:

(1) The name of the assessee.

(2) The description of the property assessed.

(3) The assessed value of the property.

(4) The fact that judgment will be sought in the amount of the tax, penalty, or interest that will remain unpaid at the time of the filing of the certificate.

(5) The fact that, upon the issuance and recordation of such judgment, additional penalties will continue to accrue at the rate prescribed by law.

(6) The fact that a fee of two dollars ($2) will be required to be paid for the purpose of the recordation of any release of the judgment lien.

(c) The name of the assessee.

(d) The amount for which judgment is to be entered.

(e) The fact that the county has complied with all provisions of this part in the computation and the levy of the tax, penalty, or interest.

(f) The fact that a request is therein made for the issuance and entry of judgment against the assessee.

3102. The county clerk immediately upon the filing of the certificate shall enter a judgment for the county against the assessee in the amount of the tax, penalty, and interest set forth in the certificate. The county clerk may file the judgment in a looseleaf book entitled "County Unsecured Property Tax Judgments."

3103. An abstract or a copy of the judgment shall be recorded, without fee, in the office of the county recorder of any county. From the time of the recording, the amount of the tax, penalty, and interest set forth constitutes a lien upon all property of the assessee in the county, owned by him or afterward, and before the lien expires, acquired by him. The lien has the force, effect, and priority of a judgment lien and continues for 10 years from the date of the recording unless sooner released or otherwise discharged. The lien imposed by this section shall not be valid insofar as personal property is concerned as against a purchaser for value without actual knowledge of the lien.

3104. Notwithstanding any other provisions of law relating to interest authorized or allowed as a result of any judgment duly entered, the additional penalty provided for in this division shall be imposed in lieu of any such judgment interest.

3105. Within 10 years from the date of the recording or within 10 years from the date of the last extension of the lien in the manner provided for in this section, the lien may be extended by recording in the office of the county recorder of the county an abstract or copy of the judgment. From the time of the recording the lien extends to the property for 10 years unless sooner released or otherwise discharged.

3106. Execution shall issue upon the judgment upon request of the official collecting taxes on the unsecured roll in the same manner as execution may issue upon other judgments, and sales shall be held under such execution as prescribed in the Code of Civil Procedure.

3107. (a) The judgment is satisfied and the lien removed when, but not before, the judgment amount, any additional penalty authorized by this part, and a recording fee of two dollars ($2) for each release of lien issued for each county in which a judgment was recorded are paid. The recording fee shall be transmitted to the county recorder together with a certificate of release or discharge from the judgment lien.

(b) The judgment is also satisfied and the lien removed when, but not before the tax is legally canceled and a release or discharge from the judgment lien is recorded in the office of the county recorder. A recording under this subdivision shall be made without fee.

CHAPTER 912

An act to amend Section 28115 of the Government Code, relating to county officers.

[Approved by Governor August 1, 1968 Filed with Secretary of State August 1, 1968]

The people of the State of California do enact as follows:

SECTION 1. Section 28115 of the Government Code is amended to read:

28115. In a county of the 15th class the following shall receive as full compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eighteen thousand dollars ($18,000) a year. The auditor shall devote his full working time to the duties of his office.

(b) The district attorney, twenty-six thousand four hundred dollars ($26,400) a year, and his actual traveling expenses while away from his office on county business. The district attorney may be assigned an automobile or compensated at a mileage rate designated in the salary ordinance for employees using personal automobiles on official business. He shall not personally engage in private law practice.

(c) Each supervisor, thirteen thousand two hundred dollars ($13,200) a year and his necessary expenses when attending to the business of the county. When traveling in his own car on county business he shall receive nine cents ($0.09) for each mile actually traveled.

(d) For acting as a grand juror for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, five dollars ($5). For every mile actually traveled as a grand juror in attending court, grand jury meetings, regularly called committee meetings, or when properly appointed by the foreman of the grand jury to make individual investigations, nine cents ($0.09) for each mile actually traveled.

SEC. 2. Notwithstanding Sections 28160 and 53071 of the Government Code, the salary increase granted to the board of supervisors by the amendment of Section 28115 of the Government Code at the 1968 Regular Session of the Legislature shall not become effective until a supervisor shall have entered upon a new term of office on such board after the effective date of this act.

CHAPTER 913

An act to add Title 7.6 (commencing with Section 67400) to the Government Code, relating to the Western Interstate Nuclear Compact.

[Approved by Governor August 1, 1968 Filed with Secretary of State August 1, 1968]

The people of the State of California do enact as follows:

SECTION 1. Title 7.6 (commencing with Section 67400) is added to the Government Code, to read:

TITLE 7.6. WESTERN INTERSTATE NUCLEAR COMPACT

67400. The Legislature of California hereby ratifies and approves the "Western Interstate Nuclear Compact" as set forth below.

67401. The provisions of this interstate compact are as follows:

WESTERN INTERSTATE NUCLEAR COMPACT

Article I. Policy and Purpose

The party states recognize that the proper employment of scientific and technological discoveries and advances in nuclear and related fields and direct and collateral application and adaptation of processes and techniques developed in connection therewith, properly correlated with the other resources of the region, can assist substantially in the industrial progress of the West and the further development of the economy of the region. They also recognize that optimum benefit from nuclear and related scientific or technological resources, facilities and skills requires systematic encouragement, guidance, assistance, and promotion from the party states on a cooperative basis. It is the policy of the party states to undertake such cooperation on a continuing basis. It is the purpose of this compact to provide the instruments and framework for such a cooperative effort in nuclear and related fields, to enhance the economy of the West and contribute to the individual and community well-being of the region's people.

Article II. The Board

(a) There is hereby created an agency of the party states to be known as the "Western Interstate Nuclear Board" (hereinafter called the board). The board shall be composed of two members from each party state designated or appointed in accordance with the law of the state which he represents and serving and subject to removal in accordance with such law. Any member of the board may provide for the discharge of his duties and the performance of his functions thereon (either

for the duration of his membership or for any lesser period of time) by a deputy or assistant, if the laws of his state make specific provisions therefor. The federal government may be represented without vote if provision is made by federal law for such representation.

(b) The board members of the party states shall each be entitled to one vote on the board. No action of the board shall be binding unless taken at a meeting at which a majority of all members representing the party states are present and unless a majority of the total number of votes on the board are cast in favor thereof.

(c) The board shall have a seal.

(d) The board shall elect annually, from among its members, a chairman, a vice chairman, and a treasurer. The board shall appoint and fix the compensation of an executive director who shall serve at its pleasure and who shall also act as secretary, and who, together with the treasurer, and such other personnel as the board may direct, shall be bonded in such amounts as the board may require.

(e) The executive director, with the approval of the board, shall appoint and remove or discharge such personnel as may be necessary for the performance of the board's functions irrespective of the civil service, personnel or other merit system laws of any of the party states.

(f) The board may establish and maintain, independently or in conjunction with any one or more of the party states, or its institutions or subdivisions, a suitable retirement system for its full-time employees. Employees of the board shall be eligible for social security coverage in respect of old age and survivors insurance provided that the board takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The board may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The board may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

(h) The board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize, and dispose of the same. The nature, amount and conditions, if any, attendant upon any donation or grant accepted pursuant to this paragraph or upon any borrowing pursuant to paragraph (g) of this article, together with the identity of the donor, grantor or lender, shall be detailed in the annual report of the board.

(i) The board may establish and maintain such facilities as may be necessary for the transacting of its business. The board may acquire, hold, and convey real and personal property and any interest therein.

(j) The board shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations. The board shall publish its bylaws, rules, and regulations in convenient form and shall file a copy thereof, and shall also file a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

(k) The board annually shall make to the governor of each party state, a report covering the activities of the board for the preceding year, and embodying such recommendations as may have been adopted by the board, which report shall be transmitted to the legislature of said state. The board may issue such additional reports as it may deem desirable.

Article III. Finances

(a) The board shall submit to the Governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

(b) Each of the board's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. Each of the board's requests for appropriations pursuant to a budget of estimated expenditures shall be apportioned equally among the party states. Subject to appropriation by their respective legislatures, the board shall be provided with such funds by each of the party states as are necessary to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the board.

(c) The board may meet any of its obligations in whole or in part with funds available to it under Article II (h) of this compact; provided. that the board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the board makes use of funds available to it under Article II (h), the board shall not incur any obligation prior to the allotment of funds by the party jurisdictions which are adequate to meet any such obligation.

(d) Any expenses and any other costs for each member of the board in attending board meeting shall be met by the board.

(e) The board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the board shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the board shall be audited

yearly by a certified or licensed public accountant and the report of the audit shall be included in and become a part of the annual report of the board.

(f) The accounts of the board shall be open at any reasonable time for inspection to persons authorized by the board, and duly designated representatives of governments contributing to the board's support.

Article IV. Advisory Committees

The board may establish such advisory and technical committees as it may deem necessary, membership on which may include but not be limited to private citizens, expert and lay personnel, representatives of industry, labor, commerce, agriculture, civic associations, medicine, education, voluntary health agencies, and officials of local, state and federal government, and may cooperate with and use the services of any such committees and the organizations which they represent in furthering any of its activities under this compact.

Article V. Powers

The board shall have power to:

(a) Encourage and promote cooperation among the party states in the development and utilization of nuclear and related technologies and their application to industry and other fields.

(b) Ascertain and analyze on a continuing basis the position of the West with respect to the employment in industry of nuclear and related scientific findings and technologies.

(c) Encourage the development and use of scientific advances and discoveries in nuclear facilities, energy, materials, products, byproducts, and all other appropriate adaptations of scientific and technological advances and discoveries.

(d) Collect, correlate, and disseminate information relating to the peaceful uses of nuclear energy, materials, and products, and other products and processes resulting from the application of related science and technology.

(e) Encourage the development and use of nuclear energy, facilities, installations, and products as part of a balanced economy.

(f) Conduct, or cooperate in conducting, programs of training for state and local personnel engaged in any aspects of:

1. Nuclear industry, medicine, or education, or the promotion or regulation thereof.

2. Applying nuclear scientific advances or discoveries, and any industrial commercial or other processes resulting therefrom.

3. The formulation or administration of measures designed to promote safety in any matter related to the development, use or disposal of nuclear energy, materials, products, byproducts, installations, or wastes, or to safety in the produc-

tion, use and disposal of any other substances peculiarly related thereto.

(g) Organize and conduct, or assist and cooperate in organizing and conducting, demonstrations or research in any of the scientific, technological or industrial fields to which this compact relates.

(h) Undertake such nonregulatory functions with respect to nonnuclear sources of radiation as may promote the economic development and general welfare of the West.

(i) Study industrial, health, safety, and other standards, laws, codes, rules, regulations, and administrative practices in or related to nuclear fields.

(j) Recommend such changes in, or amendments or additions to the laws, codes, rules, regulations, administrative procedures and practices or local laws or ordinances of the party states or their subdivisions in nuclear and related fields, as in its judgment may be appropriate. Any such recommendations shall be made through the appropriate state agency, with due consideration of the desirability of uniformity but shall also give appropriate weight to any special circumstances which may justify variations to meet local conditions.

(k) Consider and make recommendations designed to facilitate the transportation of nuclear equipment, materials, products, byproducts, wastes, and any other nuclear or related substances, in such manner and under such conditions as will make their availability or disposal practicable on an economic and efficient basis.

(*l*) Consider and make recommendations with respect to the assumption of and protection against liability actually or potentially incurred in any phase of operations in nuclear and related fields.

(m) Advise and consult with the federal government concerning the common position of the party states or assist party states with regard to individual problems where appropriate in respect to nuclear and related fields

(n) Cooperate with the Atomic Energy Commission, the National Aeronautics and Space Administration, the Office of Science and Technology, or any agencies successor thereto, any other officer or agency of the United States, and any other governmental unit or agency or officer thereof, and with any private persons or agencies in any of the fields of its interest.

(o) Act as licensee, contractor or subcontractor of the United States government or any party state with respect to the conduct of any research activity requiring such license or contract and operate such research facility or undertake any program pursuant thereto, provided that this power shall be exercised only in connection with the implementation of one or more other powers conferred upon the board by this compact.

(p) Prepare, publish and distribute (with or without charge) such reports, bulletins, newsletters or other materials as it deems appropriate.

(q) Ascertain from time to time such methods, practices, circumstances, and conditions as may bring about the prevention and control of nuclear incidents in the area comprising the party states, to coordinate the nuclear incident prevention and control plans and the work relating thereto of the appropriate agencies of the party states and to facilitate the rendering of aid by the party states to each other in coping with nuclear incidents.

The board may formulate and, in accordance with need from time to time, revise a regional plan or regional plans for coping with nuclear incidents within the territory of the party states as a whole or within any subregion or subregions of the geographic area covered by this compact.

Any nuclear incident plan in force pursuant to this paragraph shall designate the official or agency in each party state covered by the plan who shall coordinate requests for aid pursuant to Article VI of this compact and the furnishing of aid in response thereto.

Unless the party states concerned expressly otherwise agree, the board shall not administer the summoning and dispatching of aid, but this function shall be undertaken directly by the designated agencies and officers of the party states.

However, the plan or plans of the board in force pursuant to this paragraph shall provide for reports to the board concerning the occurrence of nuclear incidents and the requests for aid on account thereof, together with summaries of the actual working and effectiveness of mutual aid in particular instances.

From time to time, the board shall analyze the information gathered from reports of aid pursuant to Article VI and such other instances of mutual aid as may have come to its attention, so that experience in the rendering of such aid may be available.

(r) Prepare, maintain, and implement a regional plan or regional plans for carrying out the duties, powers, or functions conferred upon the board by this compact.

(s) Undertake responsibilities imposed or necessarily involved with regional participation pursuant to such cooperative programs of the federal government as are useful in connection with the fields covered by this compact.

Article VI. Mutual Aid

(a) Whenever a party state, or any state or local governmental authorities request aid from any other party state pursuant to this compact in coping with a nuclear incident, it shall be the duty of the requested state to render all possible aid to the requesting state which is consonant with the maintenance of protection of its own people.

(b) Whenever the officers or employees of any party state are rendering outside aid pursuant to the request of another party state under this compact, the officers or employees of

such state shall, under the direction of the authorities of the state to which they are rendering aid, have the same powers, duties, rights, privileges and immunities as comparable officers and employees of the state to which they are rendering aid.

(c) No party state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on their part while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

(d) All liability that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

(e) Any party state rendering outside aid pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries and maintenance of officers, employees and equipment incurred in connection with such requests: provided that nothing herein contained shall prevent any assisting party state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such services to the receiving party state without charge or cost.

(f) Each party state shall provide for the payment of compensation and death benefits to injured officers and employees and the representatives of deceased officers and employees in case officers or employees sustain injuries or death while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within the state by or in which the officer or employee was regularly employed.

Article VII. Supplementary Agreements

(a) To the extent that the board has not undertaken an activity or project which would be within its power under the provisions of Article V of this compact, any two or more of the party states (acting by their duly constituted administrative officials) may enter into supplementary agreements for the undertaking and continuance of such an activity or project. Any such agreement shall specify the purpose or purposes; its duration and the procedure for termination thereof or withdrawal therefrom; the method of financing and allocating the costs of the activity or project; and such other matters as may be necessary or appropriate.

No such supplementary agreement entered into pursuant to this article shall become effective prior to its submission to and approval by the board. The board shall give such approval unless it finds that the supplementary agreement or activity or project contemplated thereby is inconsistent with

the provisions of this compact or a program or activity conducted by or participated in by the board.

(b) Unless all of the party states participate in a supplementary agreement, any cost or costs thereof shall be borne separately by the states party thereto. However, the board may administer or otherwise assist in the operation of any supplementary agreement.

(c) No party to a supplementary agreement entered into pursuant to this article shall be relieved thereby of any obligation or duty assumed by said party state under or pursuant to this compact, except that timely and proper performance of such obligation or duty by means of the supplementary agreement may be offered as performance pursuant to the compact.

(d) The provisions of this article shall apply to supplementary agreements and activities thereunder, but shall not be construed to repeal or impair any authority which officers or agencies of party states may have pursuant to other laws to undertake cooperative arrangements or projects.

Article VIII. Other Laws and Relations

Nothing in this compact shall be construed to have the following effect:

(a) Permit or require any person or other entity to avoid or refuse compliance with any law, rule, regulation, order or ordinance of a party state or subdivision thereof now or hereafter made, enacted or in force.

(b) Limit, diminish, or otherwise impair jurisdiction exercised by the Atomic Energy Commission, any agency successor thereto, or any other federal department, agency or officer pursuant to and in conformity with any valid and operative act of Congress; nor limit, diminish, affect, or otherwise impair jurisdiction exercised by any officer or agency of a party state, except to the extent that the provisions of this compact may provide therefor.

(c) Alter the relations between and respective internal responsibilities of the government of a party state and its subdivisions.

(d) Permit or authorize the board to own or operate any facility, reactor, or installation for industrial or commercial purposes.

Article IX. Eligible Parties, Entry Into Force and Withdrawal

(a) Any or all of the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming shall be eligible to become party to this compact.

(b) As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same

into law; provided, that it shall not become initially effective until enacted into law by five states.

(c) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until two years after the Governor of the withdrawing state has given notice in writing of the withdrawal to the Governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

(d) Guam and American Samoa, or either of them may participate in the compact to such extent as may be mutually agreed by the board and the duly constituted authorities of Guam or American Samoa, as the case may be. However, such participation shall not include the furnishing or receipt of mutual aid pursuant to Article VI, unless that article has been enacted or otherwise adopted so as to have the full force and effect of law in the jurisdiction affected. Neither Guam nor American Samoa shall be entitled to voting participation on the board, unless it has become a full party to the compact.

Article X. Severability and Construction

The provisions of this compact and of any supplementary agreement entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact or such supplementary agreement is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact or such supplementary agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact or any supplementary agreement entered into hereunder shall be held contrary to the constitution of any state participating therein, the compact or such supplementary agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact and of any supplementary agreement entered into pursuant thereto shall be liberally construed to effectuate the purposes thereof.

SEC. 2. One member of the Western Interstate Nuclear Board representing the State of California shall be appointed by the Governor. The other member shall be appointed by the Speaker of the Assembly and the Rules Committee of the Senate.

SEC. 3. Pursuant to Article II(j) of the compact, the Western Interstate Nuclear Board shall file copies of its bylaws and any amendments thereto with the Secretary of State.

SEC. 4. Section 1 of this act shall become operative only if the Western Interstate Nuclear Compact as provided for in Section 1 of this act is adopted by four of the other states eligible to become parties to the compact and approved by the Congress of the United States.

CHAPTER 914

An act relating to continuation of a study of the Sacramento-San Joaquin Delta.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. The Administrator of the Resources Agency shall continue to review and coordinate the implementation of the Delta Master Recreation Plan, prepared pursuant to Chapter 2094, Statutes of 1963, by reviewing with all affected state, federal and local entities, the adequacies and status of programs and policies relating to recreation in the Sacramento-San Joaquin Delta. The administrator shall report to the Governor and the Legislature biennially by not later than the 30th calendar day of the legislative session on the current status of recreational development in the delta and implementation of the master plan and shall include in the report any recommendations for new policies and legislation. The first report shall be submitted in 1969 and the final report shall be submitted in 1973.

CHAPTER 915

An act to add Section 466.5 to the Penal Code, relating to master keys.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 466.5 is added to the Penal Code, to read:

466.5. (a) Every person who, with the intent to use it in the commission of an unlawful act, possesses a motor vehicle master key is guilty of a misdemeanor.

(b) Every person who, with the intent to use it in the commission of an unlawful act, uses a motor vehicle master key to open a lock or operate the ignition switch of any motor vehicle is guilty of a misdemeanor.

(c) Every person who knowingly manufactures for sale, advertises for sale, offers for sale, or sells a motor vehicle master key, except to persons who use such keys in their lawful occupations or businesses, is guilty of a misdemeanor.

(d) The term "motor vehicle master key" means a key which will operate all the locks or ignition switches, or both the locks and ignition switches, in a given group of motor vehicle locks or motor vehicle ignition switches, or both motor vehicle locks and motor vehicle ignition switches, each of which can be operated by a key which will not operate one or more of the other locks or ignition switches in such group.

CHAPTER 916

An act to amend Section 1 of Chapter 80, Statutes of 1967, and to provide for the cancellation or refund of property taxes, relating to property tax exemptions, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 80, Statutes of 1967, is amended to read:

Section 1. For the purposes of Section 268 of the Revenue and Taxation Code, "property as to which the welfare exemption was available for any fiscal year commencing during the calendar year 1966 or 1967" includes property owned by a nonprofit corporation which would otherwise qualify for the welfare exemption, except that at the lien date for that year its articles of incorporation did not provide that its property was irrevocably dedicated to charitable, scientific or hospital purposes, and upon its liquidation, dissolution or abandonment would not inure to the benefit of any private person, except a fund, foundation or corporation organized and operated for charitable, scientific or hospital purposes, if the nonprofit corporation does all of the following:

(1) Files an affidavit with the assessor that its property was at that time and has been since then irrevocably dedicated to religious, charitable, scientific, or hospital purposes and upon liquidation, dissolution or abandonment of the owner would not inure to the benefit of any private person, except a fund, foundation or corporation organized and operated for religious, hospital, scientific or charitable purposes.

(2) Amended its articles of incorporation during the calendar year 1966 or 1967 or prior to the first Monday in March, 1968, to provide that its property is irrevocably dedicated to charitable, scientific, or hospital purposes and upon liquidation, dissolution or abandonment of the owner, will not inure to the benefit of any private person, except a fund, foundation or corporation organized and operated for charitable, scientific or hospital purposes.

This section shall remain in effect until one year after the effective date of the enactment of this section at the 1968 Regular Session of the Legislature and shall thereafter be of no force or effect.

SEC. 2. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1967 or 1968 on property as to which the welfare, cemetery, or church exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of Division 1 of the Revenue and Taxation Code as if it had been levied or charged erroneously, and, if paid, a re-

fund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of Division 1 of the Revenue and Taxation Code as if it had been erroneously collected. Any cancellation or refund made pursuant to this section shall be made, provided an appropriate application for exemption is filed on or before January 15, 1969.

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:

Some organizations have inadvertently failed to amend their articles of incorporation to reflect their actual status, in support of the tax exemption of their property which is granted by the State Constitution, and as a result now are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the application of the exemption to such property. In doing so, the public policy of the state as expressed in the Constitution will be entirely fulfilled and the state as a whole will benefit.

CHAPTER 917

An act to amend Sections 9254, 9255, 9351, 9352, 9361, 9452, and 9453 of, to repeal Article 1 (commencing with Section 9301) of Chapter 2 of Division 8 of, to repeal Sections 9252, 9354, and 9355 of, and to add Article 1 (commencing with Section 9301) to Chapter 2 of Division 8 of, the Education Code, relating to textbooks.

[Approved by Governor August 1, 1968. Filed with Secretary of State August 1, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 9252 of the Education Code is repealed.

SEC. 2. Section 9254 of the Education Code is amended to read:

9254. Each fiscal year, the governing board of each school district, each county superintendent of schools, and each county librarian shall prepare and transmit to the Superintendent of Public Instruction on forms that he shall provide, a report on supplementary books or textbooks, which shall include the total amount expended by the district, county superintendent of schools, or library for the purchase of supplementary books or textbooks during the fiscal year immediately preceding. The Director of Education shall keep such reports available for inspection by any citizen of the state. The director shall also compute the total amount expended during each fiscal year for supplementary books or textbooks, as shown by the reports of all districts, and shall keep a report

of such total available for inspection by any citizen of this state.

SEC. 3. Section 9255 of the Education Code is amended to read:

9255. Any city, county, city and county, or district superintendent of schools or any principal of any elementary or secondary school under his charge, who refuses or neglects to require the use of the series of the basic textbooks prescribed by the State Board of Education or who shall require any pupil, except pupils in classes for adults or junior colleges, to purchase any supplementary book or books for the pupils' use in the schools is guilty of a misdemeanor.

SEC. 4. Article 1 (commencing with Section 9301) of Chapter 2 of Division 8 of the Education Code is repealed.

SEC. 5. Article 1 (commencing with Section 9301) is added to Chapter 2 of Division 8 of the Education Code, to read:

Article 1. Adoption

9301. It is the intention of the Legislature that in adopting this article, the Legislature considers that the annual expenditure for the provision of state-supplied textbooks should not be materially expanded over the existing levels of support. The State Board of Education is, therefore, directed to consider this intent in its annual consideration of recommended textbook adoptions.

9301.5. For the purpose of this chapter:

(a) "Elementary schools" include all public schools in which instruction is given in grades kindergarten through eighth, or in any one or more of such grades.

(b) "Basic textbook" is a book designed for use by pupils as a principal source of instructional material for a given subject, at a given grade level, and meeting in organization and content the basic requirements of the intended course.

(c) "Board" means the State Board of Education.

(d) "Supplementary textbook" is a book designed to serve, but is not limited to, one or more of the following purposes, for a given subject, at a given grade level:

(1) To provide more complete coverage of a subject or subjects included in a given course.

(2) To provide for meeting the various learning ability levels of pupils in a given age group or grade level.

(3) To provide for meeting the diverse educational needs of pupils with a language disability in a given age group or grade level.

(4) To provide for meeting the diverse educational needs of pupils caused by a condition of cultural disparity.

9302. The State Curriculum Commission shall:

(a) Recommend to the board specifications for textbooks and teachers' manuals for use in the schools of the state, so that the textbooks and teachers' manuals adopted shall conform

to the minimum standards for the subjects in the indicated grade or grades.

(b) Study and evaluate all books submitted for adoption to the board as basic textbooks or supplementary textbooks or teachers' manuals.

(c) Recommend to the board textbooks which it approves for adoption as basic textbooks or supplementary textbooks or teachers' manuals for a given subject, at a given grade level. In making such recommendations, the State Curriculum Commission shall give preference to California-produced books of equal or superior merit.

9303. The board shall give the State Curriculum Commission a public hearing before making any adoption of textbooks or teachers' manuals for use in the elementary schools of the state.

9303.5. (a) Except as provided in subdivision (b), before final adoption of a textbook, or a textbook the content of which is substantively revised or modified whether previously made available for public inspection or not, it shall be made available for public inspection for 60 days in at least 50 public libraries throughout the state. The State Board of Education shall determine the location of such textbook displays.

(b) Before final adoption of a United States history textbook, or a United States history textbook the content of which is substantively revised or modified whether previously made available for public inspection or not, it shall be made available for public inspection for 60 days in at least 200 public libraries throughout the state. The State Board of Education shall determine the location of such textbook displays.

9304. The board shall include in the textbooks and teachers' manuals adopted such materials as it may deem necessary and proper to encourage thrift, fire prevention, and the humane treatment of animals, and teach the health hazards of tobacco and the evil effects of alcohol, narcotics, and hallucinogenic drugs on the human system.

9305. The board shall, when adopting textbooks and teachers' manuals for use in elementary schools for the teaching of courses in civics and history of the United States and the State of California, include only such textbooks which correctly portray the role and contribution of the American Negro and members of other ethnic groups in the total development of the United States and of the State of California.

9306. The board shall require textbooks and teachers' manuals which may be adopted for teaching civics to contain the Declaration of Independence and the Constitution of the United States. Such textbooks shall be in simple form and suited to the comprehension of the pupils.

9307. The board shall adopt for use in the elementary schools of the state basic textbooks for use in those subjects of the several elementary school grades in which the board shall determine the need and desirability for a basic textbook or basic textbooks to promote the maximum efficiency of pupil

learning. The board shall determine the period for which each basic textbook is adopted, pursuant to Section 9315.

9308. The board shall, at the time of the adoption of basic textbooks as provided in Section 9307, provide a list of supplementary textbooks tentatively indicated for adoption for use in those subjects of the several elementary school grades for which the board shall determine the need and desirability for a supplementary textbook or supplementary textbooks to promote the maximum efficiency of pupil learning. The board shall establish a distribution schedule which shall set forth the recommended quantities of supplementary textbooks which shall be available to pupils and teachers. Such schedule shall include the estimated cost of each supplementary textbook. The board shall cause to be computed for each school district providing instruction in the elementary school grades an amount of textbook credit by subject matter adoption which shall be equal to the total of the estimated cost of all the supplementary textbooks which would be available to the school district under the conditions of the recommended distribution schedule. The board shall make this amount of textbook credit known to the school district. The board shall determine the period for which each supplementary textbook is adopted, consistent with the provisions of Section 9315.

9309. The board shall adopt supplementary textbooks for use in those subjects of the several elementary school grades for which the board shall determine the need and desirability for a supplementary textbook or supplementary textbooks to promote the maximum efficiency of pupil learning, subsequent to receiving the selections of the governing boards of school districts maintaining one or more elementary school grades made from the list of supplementary textbooks tentatively indicated for adoption, as provided in Section 9308.

9310. The board shall cause to be acquired and distributed to school districts of the state providing instruction in the elementary school grades, appropriate basic textbooks to be used in the selection process as provided in Section 9318. The board shall determine the necessary quantities and distribution pattern of such textbooks. However, in cases where the district does not qualify as a city school district, the county superintendent of schools shall receive for review by districts such basic textbooks.

9310.5. The board shall cause to be acquired and distributed to school districts of the state providing instruction in the elementary school grades one full and complete set of the supplementary textbooks tentatively adopted by the board to be used in the selection provided in Section 9318. Any district requiring additional copies of tentatively adopted textbooks may request such copies, on forms provided for that purpose, from the Superintendent of Public Instruction. The cost of all supplementary textbooks distributed to districts beyond the one complete set provided herein shall be deducted from the supplementary textbook credit as provided in Section 9308.

However, in cases where the district does not qualify as a city school district, the county superintendent of schools shall receive for review by districts a set of tentatively adopted supplementary textbooks. Nothing in this section shall prevent school districts which do not qualify as city school districts from ordering tentatively adopted supplementary textbooks to be purchased with supplementary textbook credit in the manner described above, or the county superintendent of schools from purchasing such supplementary textbooks.

9311. The board shall adopt separate teachers' manuals for use in the subjects of the several elementary school grades in which the board shall determine the need and desirability for such manuals.

9312. The board shall make available for the use of each pupil enrolled in the elementary schools the basic textbook or textbooks adopted for the grade in which the pupil is enrolled, except that, in lieu thereof, a copy of a basic textbook covering the same or closely related subject matter and adopted for a lower or higher grade may be made available for any pupil for whom such a textbook would be more appropriate. The board shall provide copies of basic textbooks for teachers of subjects for which such textbooks are adopted. The board shall determine the quantities in which copies of basic textbooks and teachers' manuals adopted by the board shall be provided for pupils and teachers.

9313. Whenever the board adopts two or three basic textbooks in a subject, to provide for meeting the various learning ability levels of pupils in a given grade level, the textbooks shall be provided uniformly in quantities that shall be determined by the board at the time the textbooks are adopted.

9314. The board shall make available supplementary textbooks under the conditions prescribed in Section 9308 and Section 9318, except that if a total of less than 25,000 copies of a given supplementary textbook is selected on a statewide basis, such supplementary textbook shall not be adopted.

9315. The board shall determine the period for which each basic textbook or supplementary textbook or teachers' manual is adopted, which period shall not be less than four years nor more than eight years. After an original adoption period has expired, the board may extend the adoption period of such books for not less than one year nor more than four years.

9316. The board shall make available copies of adopted textbooks in large print for pupils enrolled in the elementary schools whose visual acuity is 20/70 or less or who have other visual impairment making the use of such textbooks necessary. The board shall make available adopted textbooks in braille characters for pupils enrolled in elementary schools whose corrected visual acuity is 20/200 or less.

9317. The board shall enter into a contract, whenever any plates, maps, or engravings of any publisher or author are adopted for use, or whenever any books are purchased, which shall be consistent with the provisions of Section 9315, and

shall require a good and sufficient bond of the owners of the books, plates, maps, or engravings under a written guarantee that they shall be kept, revised, and free from all errors, and up to date as may be required by the board.

9318. The governing board of a school district maintaining one or more elementary school grades, in accordance with specific rules adopted by the State Board of Education, shall:

(a) Require that all basic textbooks adopted by the State Board of Education be used for instructional purposes in the appropriate grades and classes of the school district.

(b) Select from the list of supplementary textbooks tentatively indicated for adoption by the State Board of Education those textbooks that the governing board may determine to be necessary and desirable for use in the indicated subjects and grades of the school district. Such supplementary textbooks may be selected in any number, without regard to the distribution schedule recommended by the board, except that the total computed costs of the selections shall not exceed the amount of computed textbook credit of the district pursuant to Section 9308. The titles so selected and the distribution schedule resulting therefrom shall become the supplementary textbooks distribution schedule available to such school district throughout the adoption period prescribed in Section 9315.

9319. Nothing in this article shall be construed as prohibiting the governing board of any school district, or any county library, from ordering and purchasing such supplementary textbooks as are required.

SEC. 6. Section 9352 of the Education Code is amended to read:

9352. The cost of textbooks and teachers' manuals acquired in any manner pursuant to Section 9351 shall be paid out of funds appropriated for publishing, purchasing and shipping free textbooks.

SEC. 7. Section 9354 of the Education Code is repealed.

SEC. 8. Section 9355 of the Education Code is repealed.

SEC. 9. Section 9361 of the Education Code is amended to read:

9361. Contracts for the purchase of textbooks or teachers' manuals entered into by the State Board of Education pursuant to Section 9317 shall, among other things, provide each of the following:

(a) That the textbook or teachers' manual shall be sold at a price at the state warehouse in Sacramento which, including all costs of transportation to that place, shall not exceed the lowest price at which the seller offers the textbook or teachers' manual for sale to any state or school district in the United States.

(b) That, if at any time during the term of said contract the textbook or teachers' manual should be sold at a lesser price to any state or school district in the United States under an agreement entered into or amended as to price after the

date of said contract, said lesser price shall forthwith become the price at which the textbook or teachers' manual shall be sold in California pursuant to such contract.

(c) That, if at any time during the term of said contract the textbook or teachers' manual shall be offered to any state or school district in the United States under terms and conditions which, when construing the contract as a whole, are more favorable to the purchaser than those applicable under the contract, said terms and conditions shall become applicable at the option of the board to all textbooks or teachers' manuals thereafter furnished pursuant to such contract.

(d) That, upon the willful failure of the seller to comply with the requirements of the contract specified by this section, the seller shall be liable to the State of California in the amount of three times the total sum which the seller was paid in excess of the price required under subdivisions (a) or (b) of this section, and in the amount of three times the total value to the state of the performance of the terms and conditions to which the state is entitled under subdivision (c) of this section.

SEC. 10. Section 9452 of the Education Code is amended to read:

9452. Following the adoption of a textbook the Superintendent of Public Instruction shall give notice of the adoption, the grade or grades for which it is adopted, the date it is to be put into use, the period of years during which it is to remain in use, and other matters affecting its use to each county superintendent of schools and to the governing board of each school district. Similar notice shall be given by him following the readoption of a textbook.

SEC. 11. Section 9453 of the Education Code is amended to read:

9453. The State Board of Education shall enforce the uniform use of textbooks in the grades of the public elementary schools for which they are adopted and may be selected pursuant to this chapter.

SEC. 12. Section 9255 of the Education Code is amended to read:

9255. Any city, county, city and county, or district superintendent of schools or any principal of any elementary or secondary school under his charge, who refuses or neglects to require the use of the state-supplied textbooks available to the pupils of his schools or school district, or who shall require any pupil, except pupils in classes for adults or junior colleges, to purchase any supplementary book or books for the pupils' use in the schools is guilty of a misdemeanor.

SEC. 13. Article 1 (commencing with Section 9301) is added to Chapter 2 of Division 8 of the Education Code, to read:

Article 1. Adoption

9301. It is the intention of the Legislature that in adopting this article, the Legislature considers that the annual expenditure for the provision of state-supplied textbooks should not

be materially expanded over the existing levels of support. The State Board of Education is, therefore, directed to consider this intent in its annual consideration of recommended textbook adoptions.

For purposes of any provision of the California Constitution which requires the adoption of a series of textbooks for use in the elementary schools, the State Board of Education shall have the power, subject to the provisions of this chapter, to adopt one or more separate series of textbooks for any of the several courses offered in the elementary schools, or for any combination of such courses. For such purposes the term "elementary schools" shall have the meaning prescribed by Section 9301.5.

9301.5. For the purpose of this chapter:

(a) "Elementary schools" include all public schools in which instruction is given in grades kindergarten through eighth, or in any one or more of such grades.

(b) "Basic textbook" is a book designed for use by pupils as a principal source of instructional material for a given subject, at a given grade level, and meeting in organization and content the basic requirements of the intended course.

(c) "Board" means the State Board of Education.

(d) "Supplementary textbook" is a book designed to serve, but is not limited to, one or more of the following purposes, for a given subject, at a given grade level:

(1) To provide more complete coverage of a subject or subjects included in a given course.

(2) To provide for meeting the various learning ability levels of pupils in a given age group or grade level.

(3) To provide for meeting the diverse educational needs of pupils with a language disability in a given age group or grade level.

(4) To provide for meeting the diverse educational needs of pupils caused by a condition of cultural disparity.

9302. The State Curriculum Commission shall:

(a) Recommend to the board specifications for textbooks and teachers' manuals for use in the schools of the state, so that the textbooks and teachers' manuals adopted shall conform to the minimum standards for the subjects in the indicated grade or grades.

(b) Study and evaluate all books submitted for adoption to the board as basic textbooks or supplementary textbooks or teachers' manuals.

(c) Recommend to the board textbooks which it approves for adoption as basic textbooks or supplementary textbooks or teachers' manuals for a given subject, at a given grade level. In making such recommendations, the State Curriculum Commission shall give preference to California-produced books of equal or superior merit.

9303. The board shall give the State Curriculum Commission a public hearing before making any adoption of textbooks or teachers' manuals for use in the elementary schools of the state.

9303.5. (a) Except as provided in subdivision (b), before final adoption of a textbook, or a textbook the content of which is substantively revised or modified whether previously made available for public inspection or not, it shall be made available for public inspection for 60 days in at least 50 public libraries throughout the state. The State Board of Education shall determine the location of such textbook displays.

(b) Before final adoption of a United States history textbook, or a United States history textbook the content of which is substantively revised or modified whether previously made available for public inspection or not, it shall be made available for public inspection for 60 days in at least 200 public libraries throughout the state. The State Board of Education shall determine the location of such textbook displays.

9304. The board shall include in the textbooks and teachers' manuals adopted such materials at it may deem necessary and proper to encourage thrift, fire prevention, and the humane treatment of animals, and teach the health hazards of tobacco and the evil effects of alcohol, narcotics, and hallucinogenic drugs on the human system.

9305. The board shall, when adopting textbooks and teachers' manuals for use in elementary schools for the teaching of courses in civics and history of the United States and the State of California, include only such textbooks which correctly portray the role and contribution of the American Negro and members of other ethnic groups in the total development of the United States and of the State of California.

9306. The board shall require textbooks and teachers' manuals which may be adopted for teaching civics to contain the Declaration of Independence and the Constitution of the United States. Such textbooks shall be in simple form and suited to the comprehension of the pupils.

9307. The board shall adopt for use in the elementary schools of the state basic textbooks for use in those subjects of the several elementary school grades in which the board shall determine the need and desirability for a basic textbook or basic textbooks to promote the maximum efficiency of pupil learning, subject to the following provisions:

(a) The board shall adopt a minimum of one basic textbook per grade for the following subjects: (1) English, (2) arithmetic, (3) history and geography, (4) reading, and (5) science.

(b) The board may adopt a list not to exceed two basic textbooks for a given subject of a given grade, except that this number may be increased to three or four if such additional basic textbooks are intended to provide, at a given grade level: (1) for meeting the various learning ability levels of pupils, (2) for meeting the diverse educational needs of pupils with a language disability, or (3) for meeting the diverse educational needs of pupils caused by a condition of cultural disparity.

(c) Basic textbooks provided by the state to a school district in whatever manner shall not exceed a number necessary

to provide each pupil enrolled in each subject with one basic textbook per subject.

(d) The board shall determine the period for which each basic textbook is adopted pursuant to Section 9313.

9308. The board shall, at the time of the adoption of basic textbooks as provided in Section 9307, provide a list of supplementary textbooks tentatively indicated for adoption for use in those subjects of the several elementary school grades for which the board shall determine the need and desirability for a supplementary textbood or supplementary textbooks to promote the maximum efficiency of pupil learning. The board shall establish a distribution schedule which shall set forth the recommended quantities of supplementary textbooks which shall be available to pupils and teachers. Such schedule shall include the estimated cost of each supplementary textbook. The board shall cause to be computed for each school district providing instruction in the elementary school grades an amount of textbook credit by subject matter adoption which shall be equal to the total of the estimated cost of all the supplementary textbooks which would be available to the school district under the conditions of the recommended distribution schedule. The board shall make this amount of textbook credit known to the school district. The board shall determine the period for which each supplementary textbook is adopted, consistent with the provisions of Section 9313.

9309. The board shall adopt supplementary textbooks for use in those subjects of the several elementary school grades for which the board shall determine the need and desirability for a supplementary textbook or supplementary textbooks to promote the maximum efficiency of pupil learning, subsequent to receiving the selections of the governing boards of school districts maintaining one or more elementary school grades made from the list of supplementary textbooks tentatively indicated for adoption, as provided in Section 9308.

9310. The board shall cause to be acquired and distributed to school districts of the state providing instruction in the elementary school grades, appropriate basic textbooks to be used in the selection process as provided in Section 9316. The board shall determine the necessary quantities and distribution pattern of such textbooks. However, in cases where the district does not qualify as a city school district, the county superintendent of schools shall receive for review by districts such basic textbooks.

9310.5. The board shall cause to be acquired and distributed to school districts of the state providing instruction in the elementary school grades one full and complete set of the supplementary textbooks tentatively adopted by the board to be used in the selection provided in Section 9318. Any district requiring additional copies of tentatively adopted textbooks may request such copies, on forms provided for that purpose, from the Superintendent of Public Instruction The cost of all supplementary textbooks distributed to districts beyond the

one complete set provided herein shall be deducted from the supplementary textbook credit as provided in Section 9308. However, in cases where the district does not qualify as a city school district, the county superintendent of schools shall receive for review by districts a set of tentatively adopted supplementary textbooks. Nothing in this section shall prevent school districts which do not qualify as city school districts from ordering tentatively adopted supplementary textbooks to be purchased with supplementary textbook credit in the manner described above, or the county superintendent of schools from purchasing such supplementary textbooks.

9311. The board shall adopt separate teachers' manuals for use in the subjects of the several elementary school grades in which the board shall determine the need and desirability for such manuals.

9312. The board shall make available basic textbooks under the conditions prescribed in Section 9307, and supplementary textbooks under the conditions prescribed in Sections 9308 and 9316, except that if a total of less than 25,000 copies of a given basic or supplementary textbook is selected on a statewide basis, such basic or supplementary textbook shall not be adopted.

9313. The board shall determine the period for which each basic textbook or supplementary textbook or teachers' manual is adopted, which period shall not be less than four years nor more than eight years. After an original adoption period has expired, the board may extend the adoption period of such books for not less than one year nor more than four years.

9314. The board shall make available copies of adopted textbooks in large print for pupils enrolled in the elementary schools whose visual acuity is 20/70 or less or who have other visual impairment making the use of such textbooks necessary. The board shall make available adopted textbooks in braille characters for pupils enrolled in elementary schools whose corrected visual acuity is 20/200 or less.

9315. The board shall enter into a contract, whenever any plates, maps, or engravings of any publisher or author are adopted for use, or whenever any books are purchased, which shall be consistent with the provisions of Section 9313, and shall require a good and sufficient bond of the owners of the books, plates, maps, or engravings under a written guarantee that they shall be kept, revised, and free from all errors, and up to date as may be required by the board.

9316. The governing board of a school district maintaining one or more elementary school grades, in accordance with specific rules adopted by the State Board of Education, shall:

(a) Select one or more basic textbooks consistent with the procedures and criteria established by the State Board of Education for those subjects and grades for which a selection process is required or provided. The selection of such basic textbooks shall not exceed a number necessary to provide each pupil enrolled in each subject with one basic textbook per

subject. The governing board shall require that all basic textbooks be used for instructional purposes in the appropriate grades and classes of the school district.

(b) Select from the list of supplementary textbooks tentatively indicated for adoption by the State Board of Education those textbooks that the governing board may determine to be necessary and desirable for use in the indicated subjects and grades of the school district. Such supplementary textbooks may be selected in any number, without regard to the distribution schedule recommended by the board, except that the total computed costs of the selections shall not exceed the amount of computed textbook credit of the district pursuant to Section 9308. The titles so selected and the distribution schedule resulting therefrom shall become the supplementary textbooks distribution schedule available to such school district throughout the adoption period prescribed in Section 9313.

9317. Nothing in this article shall be construed as prohibiting the governing board of any school district, or any county library, from ordering and purchasing such supplementary textbooks as are required.

SEC. 14. Section 9351 of the Education Code is amended to read:

9351. The State Board of Education may compile in whole, or in part, and manufacture such textbooks as are now in use. The board may acquire textbooks and teachers' manuals included in a list adopted by the board for use in the elementary schools, by any one or more of the following means determined by the board to be in the best interests of the state:

(a) Purchase them.

(b) Compile them, or cause them to be compiled and manufacture them.

(c) Lease plates, maps, engravings, or copyright matter for use in manufacturing them.

(d) Contract for, or lease copyrights for use in compiling, printing, or publishing them.

(e) Provide for the payment of royalties or for the leasing of plates or making the whole or any part of a book, and do any or all things that may be necessary for the purpose of procuring textbooks for use in the elementary schools.

(f) Arrange for the printing of textbooks by the Department of General Services.

SEC. 15. Section 9361 of the Education Code is amended to read:

9361. Contracts for the purchase of textbooks or teachers' manuals entered into by the State Board of Education pursuant to Section 9315 shall, among other things, provide each of the following:

(a) That the textbook or teachers' manual shall be sold at a price at the state warehouse in Sacramento which, including all costs of transportation to that place, shall not exceed the lowest price at which the seller offers the textbook or teachers'

manual for sale to any state or school district in the United States.

(b) That, if at any time during the term of said contract the textbook or teachers' manual should be sold at a lesser price to any state or school district in the United States under an agreement entered into or amended as to price after the date of said contract, said lesser price shall forthwith become the price at which the textbook or teachers' manual shall be sold in California pursuant to such contract.

(c) That, if at any time during the term of said contract the textbook or teachers' manual shall be offered to any state or school district in the United States under terms and conditions which, when construing the contract as a whole, are more favorable to the purchaser than those applicable under the contract, said terms and conditions shall become applicable at the option of the board to all textbooks or teachers' manuals thereafter furnished pursuant to such contract.

(d) That, upon the wilful failure of the seller to comply with the requirements of the contract specified by this section, the seller shall be liable to the State of California in the amount of three times the total sum which the seller was paid in excess of the price required under subdivisions (a) or (b) of this section, and in the amount of three times the total value to the state of the performance of the terms and conditions to which the state is entitled under subdivision (c) of this section.

SEC. 16. Sections 12, 13, 14, and 15 of this act shall become operative only if either Assembly Constitutional Amendment No. 15 of the 1968 Regular Session or Assembly Constitutional Amendment No. 30 of the 1968 Regular Session is approved by the electors, and in such case at the same time as either Assembly Constitutional Amendment No. 15 or Assembly Constitutional Amendment No. 30 takes effect; at which time Section 9255 of the Education Code as amended by Section 3 of this act, Article 1 (commencing with Section 9301) of Chapter 2 of Division 8 of the Education Code as added by Section 5 of this act, and Section 9361 of the Education Code as amended by Section 9 of this act are repealed.